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LEONARD KOPPETT
Antitrust in the Ball Park

WHAT THE RHUBARB IS ALL ABOUT

EVEN-HANDED—IN SPIRIT
West Europe and The Middle East
Barry Rubin

Copper Country Chippewas
A TRIBE JOINS THE THIRD WORLD **Al Gedicks**

Bicentennial Reflections (Part III) ***Emile Capouya***

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LETTERS

war cure

Holjcong, Pa.

Paul Wieck's "Capitol Hill Armed to the Teeth" [*The Nation*, Apr. 24], raised a vital question—why is Congress suddenly "soft" on cuts in the defense budget?—and then managed to avoid completely the obvious answer: the effect of persistent, high unemployment on voters' attitudes.

The Ford administration's deliberate imposition and continued tolerance of high unemployment levels have effectively disciplined the average wage earner into accepting almost any policy that will improve job prospects. College graduates no longer voice criticism of their prospective corporate employers, anti-pollution and environmental protection movements are losing their momentum, and all opposition to business as usual is being dissipated by the reassertion of the absolute right of private industry to determine who should be hired and how much they should be paid.

With the labyrinthine anti-poverty programs initiated under Lyndon Johnson now thoroughly discredited, federal spending to create jobs can only be done through the good old, tried and true, all-American cure for unemployment: exaggerate the foreign military threat, and spend more billions on a monstrous, unnecessary and ultimately conflict-inducing war machine. Will we ever learn?

James J. Treires

like it is

Raleigh, N.C.

"Absentee Lords of the New South," by Mark Pinsky [*The Nation*, Apr. 17], is extremely well written and tells the Aurora situation "like it is."

Randolph T. Hester Jr., Associate Professor
North Carolina State University

family history

Ithaca, N.Y.

Your editorial "Cloister or Cockpit?" [Apr. 24] makes it appear that Charles Francis Adams Jr. was a tycoon in a corrupt business world, whereas his younger brother, Henry (who condemned the robber barons in his *Chapters of Erie*), remained at his scholarly post as a Harvard professor.

Actually, Henry left Harvard when he was 39 and spent most of his time afterward as a traveler, free-lance writer and "stable-companion of statesmen."

Charles Francis Adams was co-author with Henry of *Chapters of Erie*. His career as president of the Union Pacific was not a discreditable episode in the history of American business. He left the business world in 1890 and devoted his last twenty-five years to pursuits of the mind, producing some first-rate works of history. Some critics may regard his literary achievements after 1890 as superior to those of his pessimistic brother.

It was Henry Adams whom Henry Kissinger followed by leaving a Harvard post to become "a stable-companion of statesmen." The earlier Henry's chief companion among statesmen was John Hay, a proper predecessor of Henry Kissinger.

Henry Adams's successor at Harvard was Edward Channing, one of whose outstanding students, Carl Russell Fish, described the pessimistic author of the *Education* as "all dressed up and no place to go."

Charles Francis Adams left the business world to devote himself to intellectual pursuits; Henry Adams left the scholarly world to serve the business friends of John Hay.

Curtis Nettels, Professor of American History,
Cornell University

clarification

In an editorial entitled "Untrustworthy Trustbusters" which appeared in the August 30, 1975 issue of *The Nation*, it was stated that announcement of the Justice Department's antitrust case against IBM "was one of the high points of Nicholas Katzenbach's attorney generalship." At the request of Mr. Katzenbach, we wish to point out that Mr. Katzenbach was not the Attorney General in 1969 when the IBM case was filed but had left that post in the fall of 1966.

The Editors

EDITORIALS

The Slippery Track

The Jimmy Carter phenomenon has smashed crystal balls all over the place and left the seers gazing into space. Among the discredited prophets are the President and his entourage. They were busy predicting that Hubert Humphrey would be the Democratic candidate, which was their way of discrediting the opposing party's primary process and the whole gaggle scrambling for the nomination. The Republicans must now play other political games, and both Ford and Reagan have their hands full of darts and toy swords.

Last week we said that it looked as if Carter had the nomination about locked up. That was after his big win in Pennsylvania, far ahead of the form. After the Indiana, Georgia and Texas results, one would have to say that the nomination appears to be locked up on ice. Carter has frozen out the competition.

Morris Udall is still plugging away, and indeed he should. He represents the best tendencies in the Democratic Party and it is important that his progressive views and concrete proposals be put before the electorate in the final weeks of the primary season. The votes Udall gets will be reminders to Carter that a large section of the party is responsive to that kind of clear-headed idealism. The more votes for Udall, the more attention Carter will have to pay to the judgments and feelings of the constituency Udall attracts; it is large and influential. Udall makes the point that in the contests between them there has been something like a standoff—a virtual draw in Wisconsin, Carter coming out ahead in New Hampshire and Pennsylvania and Udall leading in Massachusetts and New York.

Those counts come from the early days when the Democratic field was cluttered with runners and it was impossible to tell who took votes from whom and therefore what it all meant. Even if Carter continues to lead Udall in the score of contests still to come—as we expect, given his genuine appeal and the mysterious "momentum" effect—it is important for the whole campaign to come, not to mention the country, that Udall maximize his vote as a brake on the Carter bandwagon. The trouble with a bandwagon is that, though the noise it generates is cheerful, its destination is uncertain.

There is also, of course, a chance that Carter will stumble. He has said that only he could now beat himself. A candidate can trip over unseen obstacles when the spotlight's full glare is in his eyes, as it will be for Carter from now on. (The late-blooming candidacy of California's Governor Brown is pure diversion, vivid with the harsh colors of the TV tube and empty of content.)

We wrote in these columns a while back that we proposed to analyze the policy positions of Jimmy Carter in a forthcoming issue. We said this when it seemed evident that he was running ahead of the pack and was likely to outdistance them all. We have also said that the trouble with Carter was more in the conservative specificity of his positions than in the "fuzziness" with which he has been charged. We must admit to a certain difficulty in getting a handle on the policy views of James Earl Carter Jr. Every

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time we think we have a firm hold on them, they seem to slip from our grasp. They seem definite enough for a time, but then they change. Evasiveness is a kind of credibility gap, and we have had enough of those to last us a lifetime.

This quality seems to have been the problem for Robert Shrum, the young speech writer who had been with Muskie and then McGovern in 1972 and who found, after a few days on the trail with Carter, that there was a troublesome difference between what Carter the candidate said and what Carter the man actually thought. Quitting, Shrum wrote Carter a devastating sentence: "I am not sure what you truly believe in other than yourself."

That judgment could turn out to be unjust. We still intend to try to pin down the essence of Jimmy Carter on the important issues the country must deal with. In the meantime, it is good to have Morris Udall still in the race, his principles intact and his stands absolutely clear.

Presumption of Dr. Kissinger

Secretary of State Kissinger engaged in what might have been a fatal confrontation in Africa the other day. It was with a pride of lions. He was pictured as a "white hunter" in bush costume sitting in a Land Rover in the Masai Mara game reserve of Kenya gazing at the lions eating their kill. They stared back without much interest. He was just another tourist. (The AP quotes Kissinger as saying, "I'm not afraid of wild animals. I've got seventeen of them on my plane." He was speaking of the accompanying reporters who, unfortunately, are mostly tame and eat out of his hand.)

Of course the Secretary is much more than a tourist. He packed in his safari kit "a new era in American policy" toward Africa. That is what he labeled it in his April 27th speech at Lusaka and he added the dollar signs in his May 6th speech at the meeting in Nairobi of the United Nations Conference on Trade and Development.

Regrettably, the American Secretary of State carried another heavy burden on his journey through Africa. He was loaded down with the record of his own past mistakes in U.S. policy toward southern Africa. As Rep. Andrew Young (D., Ga.) put it, in an extension of remarks in the *Congressional Record* (April 29), it can be summarized as "the decisive 'tilt' toward the white minority regimes first promulgated during the Nixon administration." Young made the point that "If any of the things Mr. Kissinger proposed in Lusaka come to take place, we will have witnessed the Secretary's 180-degree turn on the critical issues affecting southern Africa." Given the Kissinger-Nixon-Ford record on this part of the world, can the Africans be counted on to believe in the reality and seriousness of the "new era?"

In a speech in Soweto on March 14 (which Young inserted in the *Congressional Record*), Buthelezi, respected Chief of the KwaZulu, declared that "it is still not too late to call for a White change of heart," but added that he did not expect "a sudden spasm of benevolence toward blacks." The Chief was speaking of South Africa and its hateful policy of apartheid, but it is also fair to call the Kissinger switch a "spasm." It is a sudden reaction to the circumstances resulting from the failure of "our side" to win the factional battle in Angola.

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If our gang had won in Angola, if Castro's mercenaries had been thrown out, and if the benighted regime of Ian Smith in Rhodesia were not threatened by civil war, it is doubtful that Kissinger and company would today be proclaiming this "new era in American policy." The truth is that Kissinger is bowing, late and without grace, to what diplomatists call *force majeure*. The surprising thing is that he can carry off this switch with the aplomb with which he faced those lions. But we should know by now that when it comes to policy (as against ego) the Secretary has a hide impervious to slings and arrows.

American domestic politics naturally run all through the handling of this change of policy toward southern Africa. Presenting to the Senate a resolution hailing the administration's "new realism," Sen. Charles Percy (R., Ill.) congratulated our government because such a resolution would "show the world that the two branches of our government can work together constructively in foreign policy, *even in an election year*" (emphasis added). But, typically and unfortunately, Percy saw fit to argue for the resolution on the ground that, "by throwing America's moral, political and economic weight behind the cause of majority rule and minority rights, we can help block the spread of Communist influence and the threat of increased violence."

The theory of these Senators, and sadly it may be correct, is that if the anti-Communist flag were not waved, there would be no chance of passing a resolution supporting Kissinger's extremely belated shift of policy. This, of course, is entirely the wrong basis for supporting the shift, certainly in moral terms, but even on the more pragmatic bases of politics and economics which the "hard-headed" thinkers of Washington greatly prefer.

Percy's case for the pro-shift resolution would have been far more palatable if it had included a statement urging Congress to repeal the outrageous Byrd amendment which allows this country to violate the U.N. sanctions against the Ian Smith regime by continuing to import Rhodesian chrome. Congress would probably have repealed that amendment any time the administration lifted a finger against it on grounds of "national security," but until Kissinger in Lusaka said that the administration would (at last) work for its repeal, the White House hand has remained clenched.

Here too the anti-Communist argument has been paramount, the theory being that without Rhodesian chrome we would be dependent on the Russians for this vital metal (of which we have enormous stockpiles). It is a mere strategic pretense, of course, and no official has ever raised the question of our withholding wheat from the Russians, for whom it is at least as essential, if they withheld chrome.

All this happened against an obbligato of right-wing rhetoric deploring any change in our pro-white, minority-rule policy toward southern Africa. The usual reactionary voices are heard in this chorus, men like Representative Ashbrook (R., Ohio) and the Chilean junta's economic adviser, Milton Friedman, who writes in *Newsweek* (May 3) that "we play straight into the hands of our Communist enemies by imposing sanctions on" Rhodesia. It is disappointing to find the learned and decent diplomat-historian George Kennan agreeing with the arguments of this group against the Kissinger switch. Writing in *The New York Times* (May 2), Kennan prefers "the process of gradual and peaceful change" to the "solution by violence" which he believes the changed American policy will be likely to produce.

"Gradual" is an idea that the southern Africans can no longer live with, after all this time. "Violent" is not necessarily the alternative. The United States has finally begun to edge toward the correct and inevitable policy for that part of the world. That much, at least, has been proclaimed by an American Secretary of State on African soil.

Howard al-Rashid

It is unlikely that the late Howard R. Hughes ever read *The Arabian Nights*, except perhaps for a glance through an illustrated edition showing houris in the filmy costumes of an imagined Moslem paradise. He didn't read much of anything except technical manuals and balance sheets. Though his vast inherited wealth increased mightily under the management of other men, it is even written that he was not too good at telling P from L on that other kind of financial report.

Nevertheless, he and Melvin Dummar belong in a tale about Harun al-Rashid, Caliph of Baghdad in the eighth and ninth century A.D. The reader will remember that Harun would put on disguises and go out among his people in the bazaars to observe their way of life, to listen to their complaints and to reward virtue when he encountered it. (The ruler in disguise was an early precursor of our "scientific" opinion-polling.)

Scene shifts to a dusty Nevada roadside in 1968, an hour's drive from Las Vegas, a charming town almost owned by Harun Hughes. A man is lying out there beside the road, bloodstained and in tatters. Along comes a humble filling station attendant named Melvin Dummar who spots the desert derelict, picks him up in his car and drives him into Las Vegas, dropping him at the Sands Hotel and even lending him a quarter. The dialogue between the two on that drive has not been extensively recorded, but it is known that the mysterious prince of oil drills and planes made himself known to Dummar the Samaritan and twice asked him for his name before they parted.

The two never met again, but when a will, alleged to be genuine, appeared at the headquarters of the Church of Jesus Christ of Latter Day Saints in Salt Lake City, the name of Melvin Dummar (along with that of the Mormon Church) was inscribed upon it. Dummar's share, according to the testament that is certain to be contested, was 6.25 per cent of all the wealth of the princely Hughes. Depending on the rigor and charitableness of the Internal Revenue Service, which is kinder to some than to others (remember Richard Nixon?), Dummar's slice of the Hughes fortune may run as high as $150 million.

In *The Arabian Nights* tales the lordly benefactor was normally on the lookout for courage, astuteness, kindliness and other worthy qualities in his subjects, and when he found exemplars of such traits they were rewarded in various ways. There is no evidence that Howard Hughes had any such lofty pretension when he scribbled Melvin

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Dummar's name in that will. He was simply rewarding one of the rare acts of uncalculating behavior that he ever ran into. It is the billionaire's burden (which most of us would be willing to assume) seldom to encounter disinterested kindness.

There is a sort of moral in this tale. Howard al-Rashid spent a good deal of his life trying, often with success, to bribe politicians so that he could pile up ever more money with the help of government favors. (Do we still remember the $100,000 in hot cash that lay around in Bebe Rebozo's vaults for all that time?) At the end he tossed away more than $100 million to a simple man he had once spent an hour with. It was a thoroughly unbusinesslike gesture; Howard Hughes clearly had no use for capitalism. He might have been happier as a caliph eleven centuries ago.

Perilous Peak

The much feared Premature Peak finally showed its ugly head in the Presidential campaign. As soon as it appeared, it disappeared and we need no longer fear that specter. The Premature Peak is an invention of political managers and writers and is one of the most frightening phenomena of American politics, being looked on as fatal to any candidacy. Characteristically, it means that a candidate had made his main effort too early and "peaked," thus giving the opponent a chance to catch up or counter-peak through a variety of devices ranging from underdoggism to backlash.

This season the PP waited until the eve of the Texas primary to show itself. There "some observers" told a *New York Times* reporter (May 1) that they believed Reagan "may have peaked too early," with possibly fatal consequences to his campaign. We know now what happened to the innocent victim of this ravenous creature in Texas. Gerald Ford was gobbled up by it, losing every single delegate to Reagan. Not that it matters much, except to the two of them. It would take an instrument of much finer calibration than we possess to calculate which of the two, Ford or Reagan, is farther to the right or less qualified for the chief magistracy of this country.

The Democratic Premature Peak hibernated late this season. That party's menacing monster was the equally fearsome Persistent Slough from which Jimmy Carter finally, in Pennsylvania, pulled his feet loose to set them firmly on the middle of the road toward Madison Square Garden and 1600 Pennsylvania Avenue. He became a peak, all right, but not a premature one and it now seems impossible for any Democrat to get within hailing distance of him on Mt. Nomination.

Reagan's Big Ditch

It is distressing that Ronald Reagan has been able to make so much hay with his fantastically wrong demagoguery on the Panama Canal. It is hardly worth our readers' time to rehearse the grotesquely ignorant and irresponsible "position" of this dreary actor on our political stage. Typically, it consists of jingo slogans, virility images and strategic nonsense, all stirred up into a broth of anti-communism.

The Reagan mischief over the proposal to make a new treaty with Panama on the control of and payment for the Canal is worth noting only because we should remind ourselves occasionally of the vulnerability of our political system to this kind of fake patriotic appeal in an election year. Reagan's latest pronouncements on the Panama question, which bring cheers from his audiences, include the statement that he would be quite willing to risk a guerrilla war with the Panamanians—"just the same as we would if we want to hang onto Alaska or any other part of the United States."

The fact, by jingo, is that the Panama Canal Zone is no more a part of the United States than, say, Zanzibar. We negotiated (more accurately, extorted) in 1903, a treaty giving us certain rights in the Zone, but they are by no means "sovereign" rights, as Reagan and his wrong-headed allies claim. Sen. Strom Thurmond (R., S.C.) bases his claim to perpetual U.S. ownership of this strip of land on the allegation that "we paid for it." Not only is that not so but we are still paying near-19th-century rates for the use of Panama's only real natural asset. Even Henry Kissinger, not famous for throwing away American interests, knows that we must renegotiate the treaty with Panama.

The politically fascinating aspect of this nonsensical dispute, as our Latin American correspondent Penny Lernoux made clear in a recent article (April 3), is that the "Red" Panama of the military dictator Gen. Omar Torrijos has become the Switzerland of Latin American capitalism, a refuge for the multinational corporations so dear to the neo-conservative heart and purse. These corporate giants are totally behind a new treaty; the Pentagon, with its usual "strategic" tunnel vision, is against it. So it's a contest between American-dominated international capitalism and old-fashioned military imperialism. Which will win? Not the peoples of the Americas, North and South, if Reagan has his idiotic way.

Toast to a Friend

Few pleasures in life are undiluted; congratulating a friend upon a well-earned achievement is one of them. We accordingly are happy to register our pleasure at the award of the Pulitzer Prize for editorial writing to Phil Kerby of the *Los Angeles Times*.

For too brief a time, Kerby served as associate editor of this magazine. He came to us from seventeen years as editor of *Frontier*, the monthly which he founded with Gifford Phillips and which, first in Colorado and then in California, was an eloquent voice in the West for progressive politics and human rights. What he did at *Frontier*, and later at *The Nation*, led in 1971 to an invitation to join the editorial staff of the *Los Angeles Times*.

His longstanding personal commitment to liberalism and the integrity of the individual citizen led him to oppose government secrecy and censorship in all its forms. Most specifically, his attack was concentrated upon S.1, the legislation inherited from the Nixon-Mitchell era, which still lurks in the agenda of the Congress. For exposing in detail the repressive provisions of this legislative monster, Phil Kerby has rightly been honored.

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COPPER COUNTRY CHIPPEWAS

A TRIBE JOINS THE THIRD WORLD

AL GEDICKS

Long before Columbus discovered America the Chippewa tribes who inhabited the Lake Superior region had known of copper deposits in what later became Michigan's copper country. Some of these deposits had been worked by a forgotten race of pre-Columbian miners. Reports of rich copper deposits filtered through French explorers and missionaries and in 1771 an Englishman tried unsuccessfully to mine the deposits. But it wasn't until 1842 that the U.S. Congress stole this valuable real estate from the Indians through a treaty by which the Chippewas were forced to cede 25,000 square miles of territory to the federal government. This wholesale robbery impoverished the Lake Superior tribes and enriched several generations of Boston copper-mining families.

Now the great wave of mineral exploration in northern Wisconsin by the giant oil and mining corporations has once again brought the descendants of the Chippewas to the crossroads of history. The members of Wisconsin's Lac du Flambeau reservation have been approached by the Phelps Dodge Corporation, a leading producer of copper, to grant the company exploration, drilling and mining rights on tribal lands. The questions being raised at Lac du Flambeau, and the answers being examined, may point the way toward the consideration of alternative mining development strategies in other Wisconsin and Minnesota communities.

The question of whether, and if so how, to go ahead with mining development in one of the last remaining wilderness areas in the United States is particularly painful for the tribal council of the Chippewa Lac du Flambeau Band. This wilderness area is not only valued for its natural beauty; it can also be an income-generating resource to be developed as the tribal council sees fit. At the same time, the tribe faces many of the economic and social problems that afflict other Indian reservations throughout the United States. Unemployment, underemployment and housing are among the most severe of the Lac du Flambeau problems. There are approximately 800 people on the reservation and 37 per cent of the available labor force is unemployed. That compares with an unemployment rate of 7.8 per cent for nearby Vilas County. Nearly half of those who have found jobs are employed by public agencies whose funding varies from year to year. Almost half of the tribe's population is under 20 years old, because at about that age most of the Indians must leave the reservation in search of education and jobs in the cities. In short, the reservation's economy is stagnating.

But is mining development the answer to these basic economic problems? That depends on what kind of mining development is being discussed. In their attempt to cope with their situation, the Chippewas at Lac du Flambeau are asking questions that few in the United States have asked before: who makes the decisions about mining development?; who pays the cost?, and who receives the benefits? These questions have already been raised firmly by Third World countries in their dealings with multinational oil and mining companies, but the mining companies which negotiate such contracts *within* the United States pretend that the questions are not suitable for discussion. Why are they being raised now by the Chippewas?

The analogy between the Third World and Indian tribes in the United States is the key to the answer. There has been an important change in the self-image of both native Americans and the peoples of many Third World countries. In the case of the Third World, this change takes the form of economic nationalism; among native Americans, it becomes a demand for self-determination, for the control by Indians themselves of their own lives and destinies. At a recent conference on Indian Resource Development Alternatives, Charles Lipton, an international lawyer who has negotiated mining agreements for many Third World countries told the assembled delegates that "the mineral leases that you now have, to put it mildly, . . . are miserable. The Indian mineral leases I have seen are among the worst mineral agreements in the world."

A second reason for the changing attitudes about Indian resource development is that mineral deposits are rapidly becoming more valuable. As Third World countries begin using their minerals for their own industrial development, the supplies available to the United States, Europe and Japan become scarce and the price rises. Accordingly, the mining corporations are under pressure to develop mineral deposits within the United States, and resource-rich areas find themselves in an excellent position. Nor is there any reason to fear that tough bargaining will stifle mineral development in the United States. In the case of the Third World, as Guy Erb of the Overseas Development Council has pointed out, "We know that, in spite of very detailed and extremely specific guidelines and regulations, American firms and European firms are falling over one another to do business in Eastern Europe and Communist countries." If Phelps Dodge wants the copper ores in Lac du Flambeau, then it must agree to the terms set forth by the tribal council of the Chippewas, exactly as it agrees to terms set by Third World countries that have minerals to sell. If Phelps Dodge does not want to do business on those terms,

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Al Gedicks is research coordinator for Community Action on Latin America (CALA) in Madison, Wis., and the author of Kennecott Copper Corporation and Mining Development in Wisconsin. *He is serving as a consultant to the Chippewa Lac du Flambeau Band in their negotiations with Phelps Dodge Corporation over possible mining development on the Lac du Flambeau reservation in Wisconsin.*

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there are plenty of American and European firms that will gladly take its place.

A third reason for the changing attitudes is a growing awareness on the part of both Indian tribes and Third World countries of the alternatives available to them with regard to the control and development of their own natural resources. Encouraged by the example of the Organization of Petroleum Exporting Countries (OPEC), Indian tribes are considering what they might do other than simply let outside corporations exploit their nonrenewable natural resources for a lease fee or royalty. Through the recently formed Coalition of Energy Resource Tribes (CERT), the Northern Cheyennes have held up the strip mining of coal on their reservation and now consider the possibility of developing this coal themselves, either alone or in joint ventures with private corporations. The 30 billion tons of coal on Northern Cheyenne tribal land and the 18 billion tons on Crow tribal land adds up to a reserve greater than that of most governments in the world.

However—and this is a fourth reason for the changing attitudes—both the Third World and the American Indians realize that when they try to regain control over their own natural resources they inevitably run up against the determined opposition of the largest multinational corporations and the United States Government. The essential continuity of corporate-governmental collusion abroad and at home is best illustrated by the response of Kennecott Copper Corporation and the U.S. Government to the Chilean nationalization of copper and the leasing of coal lands from the Northern Cheyennes.

No sooner did the democratically elected Chilean Congress vote unanimously for the nationalization of all American-owned copper mines in Chile than Kennecott and other multinational corporations like Anaconda and ITT, in conjunction with agencies of the U.S. Government, began a campaign of economic warfare and political subversion against Chile. These policies, carried out over the three-year period of the Allende government, provided the essential context for the military overthrow of a democratic government. The same collusion between multinational corporations and the U.S. Government can be seen in the behavior of Peabody Coal Company (a subsidiary of Kennecott) and the U.S. Department of the Interior with respect to the leasing of coal on Indian lands.

The leasing policy of the Department of the Interior, while purporting to be competitive, has actually abandoned public responsibility to corporate interests. After a noncompetitive bid, the Northern Cheyennes leased 16,000 acres of their land to Peabody Coal for 12 cents an acre. But in competitive bidding just two years later, two sales in the same area drew six bidders each, and the winning bids approached $16 an acre: Richard Bodman, Assistant Secretary of the Interior, has admitted that "leasing generally has been on the basis of industry expressions of interest." Moreover, as international lawyer Charles Lipton has pointed out, those Indian coal leases, which provide for a fixed royalty per ton of coal, cannot be considered fair and reasonable because the value of coal is bound to increase during the energy shortage, while the value of the dollar will decrease due to inflation. "That kind of royalty," Lipton continued, "has no relationship to value, let alone profitability, and that kind of royalty has not been seen in international mineral agreements since the end of the colonial era." Peabody Coal has given better deals to foreign governments than it has given to the Northern Cheyennes or the Navajos.

Finally, both in Third World countries and on Indian reservations it has only been in recent years that local expertise has been acquired to challenge the monopoly of technical knowledge possessed by the multinationals. The counterpart to the Arab oil minister returning with an economics degree from Harvard can be seen in the Indians who are returning to their tribes with training in law, economics and geology.

There is, however, at least one important difference between an Indian tribe in the United States and a Third World country. In oil- and iron-rich Venezuela, 1 per cent of the population receives 51 per cent of the national income, while 40 per cent of Venezuela's 12 million people live in economic and social misery, in tin- and cardboard shacks in the cities or in adobe hovels in the countryside. This extreme concentration of wealth and income is inconceivable for the Indian tribes, a good part of whose resources are owned communally. In addition, while many Third World countries have undemocratic governments, Indian tribes are required by federal law to govern themselves democratically. Thus there is a strong likelihood that the benefits of development would be widely diffused among native Americans if Indian tribes regained control of their own natural resources.

But this optimistic appraisal is based upon the continued jurisdiction by native Americans over their own lands. While this right is acknowledged under present law, it would be almost totally wiped away by the passage of Senate Bill 1, the infamous criminal code bill drafted during the Nixon-Mitchell years. That is the conclusion reached after investigation by attorney Alan Parker of the American Indian Lawyers Association. Section 203a of S.1 "would abolish the distinction between Indian country and other types of federal enclaves for purposes of delineating the reach of federal law," reports Parker. While purportedly designed to "achieve uniformity" in federal criminal law, Parker points out, it really amounts in this case to treating native American lands in a way "uniform" with military reservations or national parks, thereby denying the obvious difference that an Indian reservation is a distinct political community where tribally owned land cannot be sold by individuals.

At the local level, the most immediate problem facing the Chippewas at Lac du Flambeau is their lack of knowledge about the nature and extent of their mineral resources—a problem they share with every potential mining area in Wisconsin and Minnesota. Despite the fact that the tribal council does not know the potential value of the minerals in question, Phelps Dodge has asked the tribe to put a price on them. This puts the tribal council at a ludicrous disadvantage, because Phelps Dodge knows well enough what it is undertaking to buy.

This crucial information, to the extent that it is available, is considered the proprietary information of the

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mining companies, despite the fact that upward of 50 per cent of the costs of exploration are paid by U.S. taxpayers. Moreover, the same companies that withhold such information in the United States hand it over as a matter of course to the mining ministers of Third World countries. Thus there exists the incredible situation in the state of Wisconsin, according to state geologist Dr. Meredith Ostrom, that 150 years of survey data are in the hands of private companies, and none of them is made available to the state. Under these conditions the state geological survey can be of only limited assistance to prospective mining communities around the state.

And this condition of ignorance is fine for the mining corporations. They have all the information they need to protect their interests, while individual landowners and entire communities have practically nowhere to turn. Even such a simple operation as the compilation of a list of what contracts have been negotiated in Wisconsin and other states would be of immense help to communities that are now being approached by mining companies for exploration and mining rights.

A state apparatus which does not challenge the prerogative of corporate decision making over natural resource development must necessarily reproduce the cycle of poverty and economic depression that follows the exhaustion of natural resources. Thus Governor Lucey's recent plea for federal aid for northern Wisconsin's "little Appalachia" is little more than an attempt to socialize the costs of previous mining development (unemployment, outmigration of skilled labor, loss of a tax base, deterioration of social services, environmental damage, etc.) without in any way challenging the power of the multinational mining corporations to stage a repeat performance with copper or nickel mining in the future. The public thus pays twice for the private appropriation of nonrenewable resources: once through the exhaustion of human and natural resources in specific mining areas, and again in the form of state and federal taxes which are used to alleviate some of the worst social results of mining depletion.

While Governor Lucey fiddles the tune of "little Appalachia" for a few federal pennies, the multinational mining corporations are transforming the rest of northern Wisconsin into a resource colony, where the benefits of every pound of copper mined will be realized outside the state. Meanwhile the Chippewa Lac du Flambeau Band of Wisconsin may be providing a concrete example of the benefits of formulating alternatives to the development of mineral resources under the ownership, management and control of the multinational mining corporations. □

EVEN-HANDED—IN SPIRIT

WEST EUROPE & THE MIDDLE EAST

BARRY RUBIN

Western Europe is becoming a major diplomatic front in the Arab-Israeli conflict. There, Egypt's President Anwar Sadat has sought weapons and economic aid, an alternative to continued dependence on the Soviet Union. There, increasingly, the Arab states are finding an outlet for surplus petrodollars and, consequently, are building political influence.

While Sadat was touring five Western European countries in April, George Ball, Paul Warnke and Zbigniew Brzezinski—all top advisers to Democratic Presidential candidates—agreed that the United States should seek a Middle East peace settlement by working through its European allies. A number of analysts agree that the vexed Middle East situation gives European leaders a prime opportunity to regain places on the international diplomatic scene.

Obviously, oil plays a key role in Arab-European political relations. The twenty-four member states in the Organization for Economic Cooperation and Development, many in West Europe, will face a $17.5 billion balance of payments deficit this year—triple their shortfall in the recent past. Despite some recovery, the European Economic Community was recently described by Chase Manhattan Bank's economic group as "recession-gripped." A good part of these fiscal woes can be traced to OPEC's quadrupling of the petroleum prices since 1973. Ironically, this development also gave the Arab states a vast inflow of capital for investment or trade, tightening their grip over Western Europe. A U.S. Library of Congress study warns that a six-month petroleum embargo—similar to the one carried out in 1973—within the next two years not only could mean "a domestic economic disaster" for the United States, but "would most certainly spread to Western Europe and Japan, even if those nations would not become [direct] targets. . . . Hopes for a major economic recovery from the current worldwide recession would be dashed under these circumstances."

Western Europe is far more dependent on Arab oil than is the United States. According to 1974 figures, the countries there import 64.7 per cent of their oil from Arab countries (an additional 15 per cent comes from Iran). For Italy, France and Spain, the figure exceeds 80 per cent.

For the Europeans, thus, opening up more trade with the Arabs is not a matter of opportunity but of necessity. As a consequence, these countries may become increasingly subject to Arab political pressure and economic boycott against Israel. Investment works similarly. Saudi Arabia alone now has more than $14 billion in holdings on the Continent. Trade was a key element in the French attempt to portray themselves as the Arabs' closest friends

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in Europe. Yet France has been disappointed in its original hopes for a high volume of trade with the Arabs. Current statistics show that countries often criticized by the Arabs as being pro-Israel—the United States, Holland, West Germany and Sweden—are doing far better business with them.

Of course, a number of factors other than money affect the European stand on the Arab-Israeli conflict. On one side is the memory of the suffering the Jews endured for so many centuries at European hands. Personal contacts with Jews and Jewish culture, the lobbying activities of European Jews, the recognition of Israel as a progressive democracy, and direct ties between democratic socialist and liberal parties and their Israeli counterparts have all been significant. Public opinion polls in every West European country show widespread popular support for Israel.

On the other side are guilt over European colonial treatment of the Arabs, ties to extreme left- and right-wing groups of Arab organizations, and the aforementioned economic realities. There is also in many quarters a sincere sympathy for the plight of the Palestinian refugees and a belief that a compromise solution is possible. Finally, mediating the two views, is a simple desire to end a conflict which carries the threat of world conflagration or of great power confrontation in Europe's back yard.

None of these elements is entirely new. To cite only the economic issue, Harold Nicolson paraphrases then British Foreign Minister Ernest Bevin as saying in 1948 that "nobody is going to tell him that in principle it does not pay better to remain friends with 200 million Moslems than with 200 thousand [*sic*] Jews." "To say nothing," he added, "of the oil." Generally, the Europeans have up until now been able to balance these conflicting pulls fairly well. While their current stand differs from Israeli and U.S. policy, it is also far from accepting Arab demands and analyses.

So strong is the European desire for even-handedness and sympathy for Israel's right to exist that even several of the Communist parties have found it expedient to disavow publicly the more extreme U.N. resolutions and Soviet proclamations on the subject. The new Spanish Government, as part of its move toward the European mainstream, is expected to establish diplomatic relations with Israel for the first time.

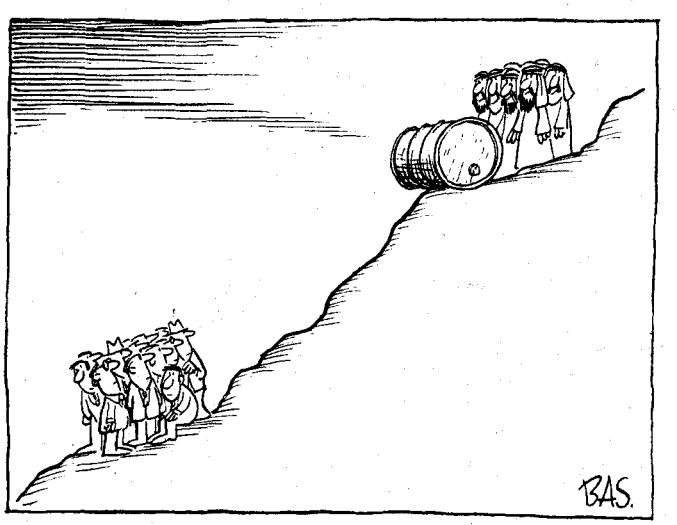
This is not to deny that Israel has indeed lost ground in West Europe since October 1973. When Foreign Minister Yigal Allon toured the area last December he admitted he found no support there for Israel's complete opposition to negotiations with the PLO. Giora Rosen, an Israel Labor Party representative in West Germany wrote: "The Israeli diplomatic campaign against the establishment of contacts between West European states and the PLO is a decided failure. The Palestinians have been recognized here *de facto*."

Not even West Germany, which for obvious reasons has always taken pains to be especially friendly toward Israel, has been an exception. The PLO has an unofficial representative in Bonn, and German political figures—Deputy Foreign Minister Karl Mersch, for example—have regularly met PLO leaders at the West German Embassy in Beirut. Erosion has been particularly marked by the attitude of the Socialist parties whose leaders, with the exception of England's Harold Wilson, suffered a serious crisis of nerve in the aftermath of the Arab oil embargo.

France has gone furthest to build good political and trade relations with the Arab world. The turn took place immediately after the 1967 war. While de Gaulle had, in 1961, toasted "Israel our friend and ally," in 1967 he denounced Israel and Jews in general with phrases bordering on the anti-Semitic. According to some sources, the French Government even forced some of its former African colonies to follow this policy lead. By 1974, some of the worst excesses of this period had ended. President Valéry Giscard d'Estaing, in his election campaign, promised to return to a more even-handed approach.

Opportunites were offered in particular by Egypt's turn away from the Soviet Union and toward the West. Last December, Giscard d'Estaing became the first French head of state to visit Egypt, announcing there that France would help that country to construct armaments factories and a nuclear power plant. French television and radio documentaries praised Egypt's moderate role in the Middle East. French firms invested $105 million in Egyptian industrial projects, sent technical missions, and pushed for acceleration of Egypt's acceptance by the Common Market as a "most favored nation." French diplomats claimed general West European agreement that "moderate Egypt must be encouraged."

Arms sales have become a particularly important part of this relationship. France has sold Egypt electronic equipment, radar installations and a small quantity of Crotale



missiles. Indirectly, Egypt has obtained Mirage fighter planes, and the French are now trying to sell Cairo their advanced Delta-2000 aircraft, coming off the production line in 1980. Military exports are an increasingly important component in France's plan for balancing the foreign trade budget. More than 200,000 workers are employed in the arms industry and many more in related concerns; military hardware now accounts for about 8 per cent of exports.

West Germany, by way of contrast, has resisted the

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economic temptation to become a major arms exporter. This 1971 policy, encouraged in part by Germany's desire to live down its Nazi past, forbade military sales to "areas of tension." Recently, a $600 million Saudi Arabian bid for 800 armored personnel carriers was turned down. While 200,000 workers are employed in military industries, arms production accounts for only 3 per cent of the country's gross national product and for only 0.3 per cent of exports.

During a November visit to Israel, Foreign Minister Hans-Dietrich Genscher made progress on economic relations while pointing out some differences on political questions. He emphasized Israel's "duty to end the occupation" of Arab territories captured in 1967 as an essential part of any Middle East solution, which would also have to recognize Palestinian rights. However, Genscher endorsed Israel's refusal to recognize the PLO. A joint commission for economic cooperation was established to help Israel reduce its annual $550 million trade deficit with West Germany.

Sweden, as a member of the U.N. Security Council and a country trying to strengthen its relations with Third World countries, has advocated recognition of the PLO. The Swedish Government provided the vote that enabled the PLO to participate in the latest U.N. discussions on the conflict. "A durable solution of the Middle East problem can be obtained only by participation of all the parties concerned," Foreign Minister Sven Andersson told his Parliament. "The Palestinian Arabs also belong to these parties. In our opinion, the PLO is the most authoritative representative of these people." The regime emphasized, however, its continued support for Israel's security: "There's been no change in policy and we are still friends with Israel," said Orjan Berner of the Foreign Ministry. "We just think that the PLO is a political reality that has got to be taken into account."

Another reality European businesses must deal with is the Arab boycott against companies trading with Israel or, in some cases, even those having Jewish executives. The story first came to light when several European banks were excluded from Arab-initiated financial deals. In France alone, according to the business weekly, *Le Nouvel Economiste*, some 250 firms are on the blacklist, although some of them still sell goods to Arab countries. Peter Shore, then Britain's Secretary of State for Trade, advised companies to stand firm against the pressure. In Belgium, a dozen Arab countries led by Iraq, which threatened to cancel a phosphate contract, demanded the banning of a February conference on the rights of Soviet Jews.

Yet despite all this, Europe-Israel economic relations have never been better. Last year the Common Market approved a major trade agreement with Israel in order to help close Israel's $1.5 billion a year trade deficit with its members, encourage establishment of new industries in Israel aimed at European markets, give preferences within the Market to many Israeli products, and supply technical assistance. Despite ongoing negotiations with Arab countries on similar accords, the EEC insisted that the treaty with Israel be worked out first. The Council of Europe has recommended that all such agreements specifically forbid any adherence to Arab boycotts against Israel. At the same time, again in the interest of even-handedness, Palestinian delegates have been included on Arab negotiating teams at the trade talks.

On other issues, the European Parliament has condemned, despite Arab complaints, terrorist attacks on Israel. After a UNESCO vote in December approved the equation of Zionism with racism, every West European country present walked out of the meeting. Only Portugal, then under its most extreme government, and Malta supported this proposition in the U.N. General Assembly. As Rosen put it, "We must recognize that most European leaders do not see their dialogue with the PLO as contradicting the maintenance of normal relations with Israel, relations which can be defined today as good."

There are, however, significant differences between European policy toward a peace settlement and the stands taken by both principals in the Middle East. The Common Market members passed last December a resolution which outlines this approach. While U.N. Resolutions 242 and 338 must be the basis of a settlement, "an overall negotiating formula" is needed. The four principles for such an agreement would be: the inadmissibility of the acquisition of territory by force, the need for Israel to end occupation of the territories captured in 1967, respect for the sovereignty and rights of every state in the area, including Israel, and the Palestinian people's right to "express its national identity."

While often showing important differences in emphasis, that is the concept advocated by the Europeans in the U.N. The French envoy said during the latest debates that the Security Council had "a responsibility to reconcile" Palestinian rights to a "homeland," while insuring "that the state of Israel can coexist peacefully with all its neighbors." The PLO would have to make explicit its intentions in regard to this homeland—in other words, a West Bank Palestinian Arab state would be created in exchange for PLO recognition of Israel.

Great Britain, too, moved closer to this position. Up until this year, the U.K. had merely said that a settlement must "include a place for the Palestinian people." In the Security Council, Britain continues to stress more its defense of Israel's rights and has warned that it might veto any resolution attempting to undermine U.N. Resolution 242, which constitutes the current basis for talks and was sponsored by England in 1967. London seeks to maintain 242's ambiguity as to which territories Israel must return in a peace settlement, and its clear recognition of Israel's right to recognized and secure boundaries. Britain would, though, agree to a "supplement" saying that Palestinians should be allowed to "express their national identity."

France and Sweden took a softer line, urging the Security Council not to produce a one-sided pro-Arab resolution. When that sort of text was produced, however, the French supported it, while the other European members, including Italy, abstained. The U.S. vetoed the proposal.

In theory, then, West European governments are seeking a compromise Middle East settlement, trying to support moderate forces and urging mutual recognition between the PLO (and its Arab allies) and Israel. As the *Manchester Guardian* analyzed the situation: "Israel is making the error of trying to select the Palestinian group it

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wants to talk to. The PLO falls down on many accounts. But it is at this stage still the most influential negotiating partner going. Progress lies in a dialogue between Israel and the PLO and not in point scoring at the U.N."

This position would seem close to that taken by many Israeli "doves." However, many in that group fear that the Europeans would find it easier and more tempting to force concessions out of Israel rather than from the Arabs. Even-handed they may be in spirit, but in fact they are balancing friendly solicitude for Israel against a healthy respect for the Arab weapon of oil. It is not a balance from which the Israelis can draw much comfort. Former Israeli Foreign Minister Abba Eban has declared that the actions of France and Sweden in opening doors for the PLO without imposing conditions—such as an end to terrorist acts or a move toward recognizing Israel—would only make that organization more radical and inflexible. Prof. Shimon Shamir, another "dove," arguing that Israel should define its conditions for PLO participation in negotiations, warned, "We are witnessing a process through which the PLO is becoming accepted *as it is*, without being compelled to introduce any changes in its militant program or its political ties with radical Arab forces and the Communist bloc." Countries pressuring Israel for concessions do not, at the same time, "insist on the fulfillment of conditions that seriously relate to Israel's problems."

Some European leaders have suggested that if their region were to work actively for a solution of the Arab-Israeli conflict, that could be a first step toward rebuilding European status and power on the international scene. Given Henry Kissinger's failure to make progress in the Middle East in recent months, such a role might be open to Western Europe—but only if these countries can maintain their balance and avoid what could easily become a pro-Arab tilt. □

ANTITRUST IN THE BALL PARK

WHAT THE RHUBARB IS ALL ABOUT

LEONARD KOPPETT

Phrases invented for sports—like making a hit, or getting to first base, or teeing off, or putting the ball in *your* court—have long since wormed their way into the American language, especially in the business community. Only in the last few years, however, has a business word infiltrated—or perhaps inundated—the sports world. The word is "antitrust."

Why should the antitrust laws, created almost a century ago to control some rapacious aspects of unbridled capitalism, suddenly emerge as a key issue in that portion of mass entertainment represented by spectator sports? And how do the antitrust laws, of all things, relate to million-dollar deals for athletes who have been called "slaves" by some of the nation's most distinguished legal minds? And what's all this about star athletes, the culture's most consistent *machismo* projectors, going on strike and having protracted collective bargaining negotiations, just like assembly-line workers? And how come sports figures and sports issues are winding up in court so often that a glamorous baseball player like Reggie Jackson can say, with much pertinence and little bitterness, "Next year the bubble-gum cards will have pictures of lawyers"?

And where will it all lead?

Oddly enough, the rather simple circumstances that underlie these questions are only dimly recognized by many of the people involved, let alone by fans and non-fans who just wish fervently that the whole subject would disappear. It's hard enough to keep one's rooting interest pure, in the face of television commercials and proliferating franchises, without trying to sort out the legal and economic intricacies behind the staging of the games. It's as if, during a theatrical performance, the producer moved among the actors raising money and paying bills. Those activities may be necessary, but awareness of them certainly interferes with the content of the entertainment. Less justifiable is the indifference, ignorance or antagonism displayed by so many of those directly involved: club owners, league officials, players, coaches and journalists.

The journalists in particular have the least excuse. Most of those well versed in the sports they cover seem insulted if required to pay attention to these "extraneous" matters; many of those who operate in the "outside" world feel free to interpret this new hot topic without acquiring any knowledge of sports; and a number of socially conscious advocates of one thing or another are happy to approach this interaction of sports and society with minimal information about either.

Yet, something important really is happening. A major American institution is undergoing radical change in full view of millions of concerned followers, and thousands of lives are being affected directly each year as the revolution progresses. Fortunately, it may be less complicated than it appears.

The central problem of sports administration is easy enough to grasp. The product being sold is evenly matched opponents in a contest whose outcome is unpredictable. If the contest is between teams, rather than individuals, the team must consist of evenly matched aggregates of players. To arrange such aggregates, some method of allocating the better players must be devised.

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Once that is done, the teams must play out a schedule leading to a championship, which means that the losing teams must continue to operate to provide the necessary competition for the winning teams until the schedule is completed.

That situation does not arise in ordinary business, or even in the arts. For General Motors or the New York Philharmonic to perform successfully, it is not necessary that a rival—Ford or the San Francisco Symphony—do worse. If the rivals do better, they will not automatically damage the leader; nor will the leader be damaged if the rivals fail and cease to operate altogether. But in every game, the winner automatically creates a loser, and to have a league at all the losers must be good enough (and survive long enough) to provide the winners with worthwhile opposition.

One obvious way to take care of this peculiar need would be to have all the players hired by the league, as a single business entity. They could be arbitrarily divided up into evenly balanced teams, and the pooled income from all games would assure the continued existence of the losing teams. But that obvious method (which has been tried at times) contains a serious flaw. The fans must be convinced of the "integrity" of the sport event—of its true unpredictability, with both teams making maximum honest effort at all times—or they will stop buying tickets. People go to ballet to appreciate the beauty of human forms in motion, but they go to ball games to see who wins, no matter how much additional aesthetic pleasure they may get as a by-product. Some people even bet on the outcome. If all teams were centrally operated, and only the league total of receipts mattered, cynics might suspect that central management of prearranging the games, to insure close scores and close championship races. As it happens, cynicism and suspicion are so widespread among those who can put two and two together, and who have a little experience of human nature, that they demand some assurance that the games aren't being fixed before they will plunk down their dollars for tickets. This assurance can best be given, promoters have learned, by keeping the various teams as independent businesses, each depending on its own success to make a profit, and each paying the price for failing to find, hire and hold enough good players.

At this point, the antitrust laws suddenly loom in front of us, like a fallen tree across a road just around a curve taken at high speed. There's no collision yet, but it's coming. These independent teams, in order to be a league, must act collectively. They need not only an orderly schedule but common regulations on how games are to be played and what players are to be used. These regulations must be not only fair in practice, to get that crucial evenly balanced contest but also must seem convincingly fair to those all-too-cynical fans.

Now, collective action by competing businesses sounds an awful lot like an antitrust conspiracy. To be sure, the antitrust laws accept the idea that some monopolies may be legal and even beneficial; the illegality arises when the monopoly uses its exclusive power to someone's detriment. Competing businesses that conspire to fix prices are hurting their customers. Monopolies that can afford, by the size of their resources, to drive smaller rivals to the wall, are hurting other businesses and restraining trade. If the exclusivity is in an area that isn't too important—if you are the only remaining buggy-whip manufacturer in the United States—no one is likely to bother your monopoly. But if the area is an important one, like the telephone system, merely the potential of doing harm is so great that the society won't tolerate the monopoly even before it does anything. The society insists that such monopolies either be broken up (as the oil companies were) or be put under governmental regulation, so that their admitted effectiveness may be retained (like the telephone), but supervised.

As a matter of historical fact, professional baseball's organization into leagues preceded the antitrust laws, so there was no original legal problem. (There were plenty of labor problems, and there was a player revolt as early as 1890, but that's another story.) Therefore, when working out their internal arrangements without any thought to antitrust questions, the club owners hit upon the key device that still lies at the center of all the struggle—a device that came to be called "the reserve system." It enables an employer (the club) to command the services of an employee (the player) when he is *not* under contract. More important, it enables the club that holds the "rights" to that unsigned player to prevent any other club in the league from hiring him. Since the essence of the activity is a contest on the field, denying a rival team the services of a good player can be almost as valuable as having the good player play for you.

Much passion has been devoted to the "slavery" of team athletes: they can be "sold" or "traded" at the "whim" of the heartless owner. Most of this rhetoric is overreaction to emotionally loaded words, used for convenience or dramatic impact, to describe rather routine business practices. What the club owns, of course, is not the player but his contract—his promise to play ball in return for compensation. To sell, trade or otherwise transfer such a contract is not unusual in situations involving skilled personal service; and moving a contracted player from one team to another (with no loss of compensation) is not much different from transferring a plant manager from one city to another. In fact, it would be exactly like that if the league were a single organization, which it isn't, only because of those cynics. As it is, "trading" a second baseman for a pitcher is not the more cumbersome process of firing the second baseman, hiring the pitcher, and letting the second baseman find that the pitcher's former team has an opening for an experienced second baseman. The transfer of a player while he is under contract may make him happy or unhappy, but it is no assault on anyone's civil liberties nor a perversion of free enterprise.

But the reserve system reaches further. It continues to control a player after his contract has expired, or even before he has signed any contract at all. And this does run counter to our idea of what is right or justifiable. According to quite a few judges in recent years, it also runs smack into the antitrust laws.

The mechanisms that control a player who has no contractual relationship to anyone are complex and differ

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Orlando (Fla.) Sentinel

from sport to sport, but their common features are easily identified. A team "owns" a player any time his name appears on its reserve list; all teams agree to "honor" all reserve lists (that is, not to hire or even approach any player on someone else's reserve list); and the teams agree on the rules and procedures that entitle any one team to put any particular name on its reserve list. To wit:

I can list the name of a player who has never before signed with anyone, in a "draft." I do, of course, include on my list all players currently under contract to me. But after a contract expires, I keep that player on my reserve list until, one way or another, I choose to "dispose" of him. And as long as a player is on my list, he can practice his trade only for me.

Under such a system, the bargaining power of the individual player who may be dissatisfied is zero. However, until television entered the picture on a large scale in the 1950s, sports income was fairly precarious. Some teams were highly profitable year after year, but financing built entirely on direct ticket sales was subject to ups and downs according to weather, the outcome of games, general prosperity, and other uncontrollable factors. Players, by and large, accepted the system as either inevitable or unopposable, and since the whole sports industry (except baseball) was in a fairly early stage of growth, no major struggle on antitrust lines developed.

Then three forces came together. Television vastly multiplied the financial resources of sports promoters, and stabilized the existing leagues. The postwar population explosion and dramatic rise in affluence opened countless new markets for sports. And the players, who had become generally better educated and more aware (through the media) of the outside world, began to organize themselves.

To avoid confrontation with the real question—control of players—the existing leagues began granting substitutes for freedom of choice: high pensions, less arbitrary day-to-day regulations, union recognition and grievance procedures, and finally (in 1973 in baseball) salary arbitration. These concessions closed some of the gap between what players were getting (which was as little as possible) and what was their true economic value.

Meanwhile, the success of the existing "establishment" leagues through the 1950s encouraged imitation, and new leagues sprang up in the 1960s. Since the new leagues did not observe the reserve lists of the older leagues, instant competition was created for the services of desirable (and even not so desirable, but experienced) players. Even though each new league had its own reserve system, a player could at least choose between leagues. Salaries quickly doubled and tripled and went even higher.

Such competition, of course, was against the interest of the new leagues as well as the old. What they wanted, in starting up, was to imitate or enter the monopoly situation enjoyed by the old leagues. And since the old leagues had the important asset of established identity, the true goal of each new league was to force a merger, so that monopoly could be restored, with the newcomers included. Player costs could then be stabilized; at a higher level, but stabilized.

This worked in baseball (1960-62) and football (1966), but not in basketball, and the successful resistance of the basketball players set the stage for three sequences of cases that came to a head only in recent months. These were the original antitrust suit brought in 1970 by the players of the National Basketball Association, a pair of antitrust suits involving several National Football League players, and the Andy Messersmith case in baseball. They made the antitrust confrontation actual and immediate, and all involve basic collective-bargaining aspects that couldn't have existed until the players were unionized.

The cases went as follows:

Baseball

Restrictive features of the baseball contract had been challenged, often successfully, in various courts as far back as the turn of the century. But in 1922, in a case that had nothing to do with player control, the Supreme Court ruled 8 to 0 that the staging of baseball exhibitions was not the sort of "commerce" the antitrust laws were supposed to cover, and that therefore baseball was exempt.

In 1952, on the specific issue of player control, another case reached the Court and again it upheld the exemption. The Justices acknowledged that the 1922 reasoning had long since been abandoned, but said, by a vote of 7 to 2, that since baseball had been allowed to develop for thirty years with the assurance that it was exempt, it would be destructive to overturn the situation by Court order. Let Congress, said the Court, rule after legislative hearings on whether it should be exempt or not.

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In 1967, having hired Marvin Miller to represent them, the players negotiated their first full-scale labor agreement with the owners. Salaries remained a matter of individual bargaining, but per diem expenses, minimum salaries, working conditions and greatly increased pensions—as well as grievance procedures—were fully elaborated.

After the 1969 season, Curt Flood, an outfielder with the St. Louis Cardinals, was traded to Philadelphia. Rather than accept the trade, he decided to bring an antitrust suit, and the Players Association supported him. A trial was held at the district court level, but it was only for the record, since the outcome was predetermined: the court had no jurisdiction, and only the Supreme Court could overrule itself on the question of exemption from the law.

Originally, baseball management's defense was to be based entirely on "reasonability": that the admitted technical violations of the antitrust laws in sports arrangements were "reasonable and necessary" for the economic health of a socially worthwhile activity, and that any individual problems that arose were greatly outweighed by the total benefit of keeping the industry viable. By the time the case reached the Supreme Court in 1972, the ground had shifted somewhat. Now management stressed the fact that the players had a collective-bargaining agreement, and that the whole question of player control was a matter of labor negotiation, exempt from the antitrust laws on that ground. The Court refused to face either issue. It voted, 5 to 3, that previous Court rulings should not be overturned and that it was up to Congress to act one way or the other. Chief Justice Burger, voting with the majority, actually apologized for the apparent illogic of this position, but the decision stood.

At this point, management did, for the first time, open the player-control question to bargaining, however little. Arbitration of salary disputes was begun in 1973, but an earlier key provision reached full flower only in 1974, when the grievance procedure took many issues away from the sole province of the commissioner (who is chosen and hired exclusively by the club owners) and assigned them to an impartial arbitrator.

In the fall of 1974, Jim (Catfish) Hunter, the best pitcher on the best team (the Oakland As) had a dispute with his owner, Charles O. Finley, about how deferred salary payments were to be made. An arbitrator (Peter Seitz) found that Finley had indeed failed to live up to his agreement with Hunter, and that in such a case, baseball rules gave the player the right to become a "free agent." As a free agent, Hunter could offer his services to any of the twenty-four clubs, unhampered by the reserve system, and he soon made a five-year deal with the New York Yankees that would net him more than $3 million.

But Hunter was clearly an exceptional case: Finley had made a mistake, and other teams in the market for a star pitcher had no other candidate to bid for. The reserve rules that tied up everyone else made Hunter a unique commodity.

Messersmith's case was different. The collective-bargaining agreement was to run out on December 31, 1975. The players were insisting, through Miller, on a major loosening of the reserve rules. They accepted the idea that there must be some limitation on player movement between contracts, lest the best players be concentrated on a few of the richest or most desirable teams (the traditional management argument). But the players held that the traditional restraints were much tighter than necessary for that purpose, and that the underlying purpose was to keep salaries in line by avoiding competitive bidding under any circumstances.

A key element in the mechanism of player control was the "option clause." As part of the standard player contract (which every player was required to sign), it allowed the club to extend the existing contract for one year if the player didn't agree to a new one. The clubs interpreted this to mean that the one-year extension applied to all the terms of the original contract—including another automatic one-year extension, which made it a "perpetual" option.

Messersmith, a top pitcher for the Los Angeles Dodgers, played the whole 1975 season under the option clause; that is, under the contract he had signed for the 1974 season. Having completed his "option year" in 1975, he claimed to be a free agent, since he had fulfilled all the terms (including the option year) of the contract he had signed This case went to Seitz also, after both Miller and Seitz had urged the club owners not to let this happen, but to negotiate some new (and weaker) reserve rules that all the players would accept, through their union, before the old agreement ran out. The owners insisted that Seitz hear the case and rule on the meaning of the one-year provision.

Seitz found that one year meant one year, and that Messersmith was a free agent. The owners promptly, and publicly, fired Seitz, and asked a federal court to rule that the arbitrator had exceeded his authority. The court (in Kansas City) upheld Seitz, and so did an appeals court panel.

By now it was February 1976, and no collective-bargaining agreement was in force. What Messersmith had done in 1975—play out his option—was available to any player in 1976. Now the clubs offered a reserve formula with significant changes. Miller took the position that, while he could accept some formula that applied in the future, he couldn't bargain away the free-agent possibility that present players had acquired in the Messersmith ruling; each player would have to waive his right individually, and many of them refused.

This was the hang-up that impelled the clubs to delay the opening of spring training for three weeks. When it became obvious that this wasn't frightening the players or accomplishing anything else, the owners backed down and the season began as scheduled. Bargaining is continuing.

Messersmith finally signed with the Atlanta Braves for a much smaller package than Hunter's, something like $1.2 million for four years. While he was the only free agent available in 1976, it seemed likely that many others would become available in 1977, so his "scarcity" was less conspicuous than Hunter's had been. The result will be that, under a bargaining agreement still to be

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reached, every player, at some stage of his career, can attain free-agent, free-market status at least once.

Football

The Supreme Court held, in various decisions during the 1950s, that baseball's antitrust exemption was unique and even "anomalous": all other sports were definitely covered by antitrust, and specifically football. Consequently, the National Football League had a different mechanism for perpetual player control. It agreed that a player could play out his option year, and be free to sign with any other team; the joker was that his new team would have to "compensate" his former team—with players, money, draft rights or any combination of the three—to preserve "competitive balance." Furthermore, if the two clubs involved couldn't agree on what the compensation should be, the commissioner would step in and settle the argument unilaterally.

Since the Commissioner's name was Alvin (Pete) Rozelle, this became known as the "Rozelle Rule," a designation Rozelle found as distasteful as being called Alvin instead of Pete. Slower to organize and less effectively led, the football players centered their attack on the Rozelle Rule, both in bargaining and in court. Because the new team must "pay" for signing the "free agent," it is discouraged from dealing with him and from paying him what he might otherwise be worth; and because the price may turn out to be unpredictably excessive if the determination is left to the commissioner, there is effective discouragement from dealing with a free agent at all. Thus, while a narrow escape hatch does exist for the players, the Rozelle Rule closes most of it.

At first, football management took the position that the Rozelle Rule was "nonnegotiable," and that all other bargaining questions must be dealt with first. The players struck during the training season of 1974, but their strike collapsed. They went back to play without a labor agreement, and still don't have one. But two court cases, one in Minneapolis involving several players, and one in San Francisco involving Joe Kapp, were headed for trial, and in 1975 football management shifted ground. It said it was willing to bargain on the Rozelle Rule, and wouldn't bargain about anything else until that question was settled. The players answered that they would bargain about everything else, but not the Rozelle Rule, which was in litigation. That created a bargaining impasse.

In December of 1974, a San Francisco federal judge found the draft of college players and the Rozelle Rule flat violations of the antitrust laws. A year later, the Minneapolis federal judge made the same ruling on the Rozelle Rule alone, after a long trial. The appeals on that one will take another couple of years.

But the San Francisco case was not as simple. Kapp was a leading quarterback in 1969, who played out his option with the Minnesota Vikings. He joined the Boston Patriots in 1970, and played that year under a three-year, $600,000 agreement; subsequently he refused to sign a standard player contract (which would bind him to all the reserve rules), and was forbidden to play until he did sign. He left training camp in 1971 and never played again.

On the legal point, he won, since Judge William T. Sweigert found the rules, and therefore the contract, patently illegal. But when a full-scale jury trial was held on what the damages should be, Kapp lost: a jury decided he hadn't suffered any monetary damages at all as the result of those illegal provisions. Kapp's lawyers are appealing that decision, on the ground that the jury's decision contradicted the judge's findings and instructions as to law.

These two cases leave the Rozelle Rule, and through it the whole reserve system, in legal limbo at the very least. As the Kapp trial was ending, in March 1976, the players agreed that everything, including the Rozelle Rule, should be bargained. And if reserve-system provisions, by whatever formula, are honestly bargained at arm's length, the argument raised by baseball—that this is a labor, not an antitrust question—will have considerable force.

Basketball

In 1970, the twenty-five-year-old National Basketball Association and the four-year-old American Basketball Association planned to merge. The NBA players, who were well organized under Larry Fleisher, a New York attorney, brought an antitrust suit halting the merger (which would have re-created the monopoly that existed before the ABA was formed). The two leagues were given permission by the court to seek Congressional permission to merge, which is what the two football leagues had obtained in 1966.

But times had changed. In 1966, the football players were both weak and unaware that the football merger was slipped through Congress without player opposition and without any hearings on the merits. In 1971, the sophisticated basketball players mounted a first-rate lobbying campaign, forced full-scale hearings before a Senate committee headed by Sen. Sam Ervin of North Carolina, and killed basketball's attempt to follow football's footsteps.

Thus they maintained the open bidding between the two leagues, which had brought about a spectacular escalation of player salaries. (Before the ABA started up, the average NBA salary was about $20,000; by 1976, after eight years of competition, it was up to $107,000.)

But the antitrust suit, alleging past damages to players, continued, as a class action. Judge Robert Carter, in New York, rejected the "labor exemption" defense, and made clear he could find "no justification" for such reserve-system features as the draft and Rozelle Rule (which had its informal equivalent in basketball).

Finally, early in 1976, the NBA club owners made an out-of-court settlement of the suit, under which a new, weak reserve-system formula was accepted by the players for the future, along with a $5 million damages settlement to be divided among the affected athletes. The crux of the new reserve formula was a "matching offer" arrangement: a player whose contract has been played out can deal with any other team with no strings attached, but if his original club then matches an offer made by someone else, it may keep him on those new terms.

The basketball settlement—which the NBA clubs

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could have agreed to two years earlier without the $5 million damages provision—is the signpost to the future.

All sports will hammer out, across the bargaining table, modified reserve systems that the player unions are willing to accept. The details will differ from sport to sport, but the essential feature will be established: every player will be able to become a free agent, under stipulated conditions, and all clubs will be protected from a constant free-market situation by well-defined but less absolute regulations concerning player movement.

At that point, both management and players will be able to go to Congress and ask for whatever antitrust exemptions are necessary to cover the new formulas. Baseball lawyers believe that even that won't be necessary, because the collective-bargaining agreements, when reached, will provide their own exemptions. But baseball has its own exemption anyhow. Football and basketball lawyers are more likely to seek Congressional approval for whatever agreements are made, and baseball will have to go along, since any new law would certainly apply the same rules to baseball as to everyone else.

In any case, the fact that the player unions are now strong enough to bargain meaningfully on the hitherto untouchable reserve question will simplify the legal situation for everyone. In the meantime, many individual cases will continue to be fought, with some big winners (like Hunter, Messersmith and the basketball players) and some losers (like Kapp, so far).

Control of players is only one aspect of conflict between the law and the business of sports. In tennis and golf, coherent tournament schedules run into boycott questions if players are centrally directed to take part in one competition or another. The movement of franchises from one city to another, especially where teams have leases with municipally financed arenas, is a delicate and emotional issue. Tax laws which allow depreciation of player contracts and the writing off of outside profits against sports losses—both basic considerations of modern sports financing—are under attack in Congress. Many aspects of television, and especially cable television, touch on federal regulations and antitrust (like the "blackout" policies that keep games off the airwaves in the vicinity of the arena). The National Collegiate Athletic Association, which rules big-time college athletics, has regulations which would horrify civil rights advocates even more than do the oldest professional reserve-system rules. And college sports financing is facing a revolution from the equal-rights pressure with respect to women's sports.

Proposals have been made to allow sports their monopolistic practices, but to put them under federal regulation. There is little in the history of regulatory bodies to encourage belief that such a solution would serve the interests of players or public, while management might find ways to make the regulators their allies.

The immediate prospect is for more of the same. Players are not likely to give up their taste for money, now that they have found ways to get more of it. Lawyers are not likely to stop telling their clients they have a good case. Established clubs and leagues are not about to shut down because profits become less than they were.

And the sports-loving public, turned off as it is by all such business matters, has the simplest of all recourses, which it seems to be adopting: to read less and less about these things, and to save its attention for the games when they take place. By giving up some of the sense of identification with the player's or club's off-field activities, the fan frees himself to follow the action itself. The fact that this baseball season, when it finally started after spring training was curtailed by wordy disputes, opened to record crowds is an indication that the fan is making such a choice. □

ON THE STREET CORNER

YOUNG, BLACK & NO PLACE TO GO

CYNTHIA JO RICH

Charlotte, N.C.

Thomasina O'Leary, 19, squints to avoid the smoke from a cigarette in the hand cupped under her chin. "It's hard for me to get along with people. I don't know why," says the young black woman, wearing boys' sneakers and a nylon lumber jacket. She prefers the nickname "Cleo," short for Cleopatra—one of the dreams to which she clings. Her problems in Charlotte's public schools, she remembers, led teachers to brand her "disruptive" and doctors to prescribe the "nerve medicine" she took from fifth to twelfth grade.

Since she was graduated in 1974 from Myers Park High School, the only job Cleo has been able to get is an apprentice upholsterer for Goodwill Industries, working forty hours a week, taking home $20.76 every two weeks. "Don't tell that," she says. "That's embarrassing. We're working our asses off and I'm getting 35 cents an hour."

For Cleo, and most of the other black teenagers in Charlotte, the country's job slump is not statistics and politics; it's the winking out of what used to be a dim ray of hope. Unemployment across the nation averaged 8.5 per cent for 1975, the highest level in thirty-four years. Among black teenagers, it was 41.1 per cent. Estimates by community workers run as high as 90 per cent unemployment for black teenagers in the city of Charlotte.

Cynthia Jo Rich was until recently a reporter for the Charlotte Observer. *Before that, she was on the staffs of the* Race Relations Reporter *in Nashville and the White Plains (N.Y.)* Reporter-Dispatch. *Research for this article was funded in part by the Southern Investigative Research Project of the Southern Regional Council, Inc., Atlanta.*

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In February, the federal government said the nation could expect abnormally high unemployment for at least three more years. That impelled *New York Times* columnist James Reston to write from Chapel Hill, N.C.: "If anybody thinks this country can have over 40 per cent of its black teenagers out of work for three years without serious trouble in the streets, I haven't met him."

Crime is high among black Charlotte teenagers, who have no jobs, few positive role models in their neighborhoods and little motivation to learn. According to statistics issued by the Police Department here, more than half of the 3,926 people under 17 arrested in 1974 were blacks—though Charlotte's blacks comprise only about 30 per cent of the population. These black teenagers committed almost twice as many crimes as their numbers would indicate. Many black high school students say the crime figures probably aren't exaggerated.

While the reasons for the bleak picture of the black teenager are not readily identified, countless investigations of behavior disorders and social pathology say the villain is family disorganization. Like Cleo, many of Charlotte's black teenagers come from homes where times are hard. They live in cramped, small apartments or rented houses clustered in predominantly black public-housing projects.

What is left of guidance from parents, worn thin by the demands of finding and keeping a job, must be shared with other brothers and sisters. So black teenagers, growing into adulthood and more than ever in need of advice and guidance, seek attention from peers or teachers at school or, worse, from law-enforcement officials. It is not the kind of attention they want, but it's better than none. Like Cleo, they seem unable to learn from their families who they really are.

When Daniel Patrick Moynihan warned ten years ago, in the celebrated and controversial Moynihan Report, that "the Negro family is crumbling," 23 per cent of black families were headed by women. "Now," *The National Observer* recently noted, "it is 34 per cent. Moynihan was dismayed that 24 per cent of black children were born out of wedlock. Now it is 46 per cent. He was alarmed that a third of all black children did not live with both parents; now it's half: 49.3 per cent live with one parent or no parent." Said the *Observer*, "The number who are poor and in female-headed families rose from 2.3 million (. . .of all black children) in 1967 to 2.7 million (. . .of all black children) in 1974."

Cleo is a little luckier. She lives, theoretically, with both parents, but her father is totally disabled, and her mother is hospitalized with a critical illness. The family survives on the father's disability income of $350 a month, plus what's left of Cleo's salary after bus fare and cigarettes.

Whatever the causes, the police in most American cities have their hands full with black teenagers. And Charlotte's school officials seem overwhelmed by the school-related problems of black kids who may eventually add to the worries of the police. School officials are frustrated by the unknown number of unmotivated students who drop out, as well as by those who, like Cleo, graduate from high school unable to find real jobs or continue their education.

Dropout figures for black teenagers are unavailable, but the most recent figures of the Charlotte-Mecklenburg Youth Services Bureau show that, of the children referred to the bureau in 1974 for truancy, running away, misbehavior at school or being ungovernable by their parents, 52 per cent were black.

In a last-ditch effort, some school administrators in Charlotte and elsewhere in North Carolina are advocating that the state's compulsory school attendance law lower the quitting age from 16 to 14. They complain that sixty to 100 kids in each high school—most of them poor, many of them black—are just marking time, waiting until they can legally drop out.

According to teachers, the classroom participation of most of these time "waiters" is nil. The teachers say, as they said of Cleo, that they don't know how to "reach" them. Says Dr. James Mikkelson, human relations director for the Charlotte-Mecklenburg schools, "Most compulsory education assumes that everybody will benefit from being in the educational system," to age 16. "In reality, some not only are not benefited but may be harmed."

While setting 14- and 15-year-olds loose may make sense from an educational standpoint, it cannot fail to aggravate law-enforcement problems—and will do nothing to meet the problems of the black teenager. It is "merely a transfer of supervision of young people from the school to the community at large," says state Sen. Mary Odom, a teacher and member of the Public School Laws Commission. "Business and industry won't touch them until they're 18."

More than seventy agencies in Charlotte—from the Red Cross to the Department of Parks—purport to offer services to teenagers. Last year, some of them met and published a thick document—"1975 Youth Services Plan to Prevent Juvenile Delinquency in Charlotte and Mecklenburg County." The plan is a series of long-range proposals, addressed to county and federal government, for increased agency staffs and budgets; it is not a how-to approach for solving the problem of idle youth.

One city agency head caused a furore in mid-February when he said Charlotte needed a jobs program for dropouts. Why should disruptive youth, who have not demonstrated worthiness for help, get jobs before those who stay in school?, one conservative city councilman protested. The jobs proposal was tabled.

The federally supported Charlotte-Mecklenburg Youth Council offers "disruptive" teenagers with limited language skills exposure to "media arts" as a means of self-expression. Phyllis Lynch, council director, believes that most of the idle, black teenagers in Charlotte have at least passed through the doors of her agency. Those who haven't, she says, are getting few, if any, services from other so-called youth agencies in the city.

The council conducts workshops in communication skills and the arts, and teaches courses like typing and sewing; it also offers some evening social activity. Students run the council program, from interviewing adult employment applicants and serving on the board of directors to turning off the lights at night.

"Most of the schools and other agencies," Miss Lynch says, "refuse to give responsibility to students until they are 16 or 17. Then they say, 'you're a man or a woman. You better get out here [in the world] and make it.' "

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Counselors at the agency learned that Cleo lives with her 62-year-old father, Thomas, her 54-year-old mother, Mazaline, an 18-year-old sister and a niece. Four older sisters and a 36-year-old brother live elsewhere. Her mother told the counselors that Cleo is a "mother's child" who "cries if she doesn't get her way." All of her children were "slow," the mother said, adding that she "doesn't expect much out of them."

But Cleo claims her teachers never understood her. She readily admits she was shy in school. "Still is," she says. "I never wanted to do things when they [teachers] wanted me to. They treated me as if I was stupid, which I'm not. School is a prison. My mama forced me to go to school. It didn't mean that much to me. Even though I did right, look at me." Cleo is both offensively aggressive and piteously defenseless. She scowls and curses at people, seeming to doubt that anybody could really want to help her. But there's also a last-straw, desperate hope in her eyes that someone will point her in the right direction.

About 5'3" and weighing 160 pounds, she is sluggish and slow moving. She lumbers into the Charlotte-Mecklenburg Youth Council after work, sits around or toys with typewriter keys for a while, then abruptly announces, "I gotta go." Stuffing her cigarettes into a jacket pocket or the top of her striped knee sock, she stalks out into the night. An hour later, she calls the agency to talk to as many counselors as will come to the phone, testing their patience.

The counselors say Cleo "responds well to male authority and attention, the kind that was probably lacking at home with an aged, disabled father who, by the time she came along, had already raised one flock of kids. In the council's multi-media workshop, she was taught how to take and print photographs. The coordination of chemicals, light, timing and technical elements of photography, the counselor points out, couldn't have been mastered by someone unable to learn.

And despite Cleo's public school history, Mary Brooks, the counselor who has worked most with her, said in a report: "It is not correct to describe Thomasina as a person who is a slow learner or who is psychologically disturbed. She has a learning problem because she was pigeonholed at a very early age as a slow learner." Teachers of the lower grades described Cleo as "easily discouraged" and "inattentive." By fourth grade, she was put in a special education program for students with behavior and learning problems. Her fourth-grade teacher said she was well liked there by classmates and was "learning to relax."

By the time she reached tenth grade, however, Cleo was reading like a fifth grader, even though a Model Cities worker's report that year said "Thomasina loves to read; almost every time I come, she asks if she can read." Her tenth-grade teacher wrote: "Ignoring her is the only punishment she'll respond to."

So Cleo was shifted around in special education classes and sent home when teachers ran out of patience. Finally, she was graduated with a useless diploma. Now she cannot find a job that pays enough to enable her to get the thing she wants most: an apartment of her own. So, she says, "I hang out in the street, drinking beer, playing pool. In a way, I feel bad about doing that, but I can't do nothing else. I could rip people off, but I figure they work hard for their money like I do."

As an example of the city's unemployed and underemployed black teenagers, Cleo is far from unique. That becomes clear after three weeks of hanging out with other Cleos on street corners, in chilly, dark housing-project parking lots, and on rocky, red clay clearings that pass for basketball courts and baseball diamonds. There the acrid, depressing stench of cheap marijuana blends with the gloom of corroding lives.

Black teenagers in housing projects like Dalton Village, Earle Village and Boulevard Homes, sitting in groups on cars or concrete apartment steps, are mistrustful of strangers, fearful of police harassment, angry, idle, frustrated, not really sure if they are the criminals, as adults say they are, or the victims.

Like Cleo, they complain that teachers "think we're stupid. They think black people are stupid. Adults in general think we're stupid." One 14-year-old who has been suspended from school three times this academic year said, "My teacher told me it's good to speak my mind, but speak it so that I won't be sent to the office."

Teenagers in Dalton Village, one of the city's largest housing projects, are aware of the Charlotte-Mecklenburg Youth Council. But they say they live too far from it—about 5 miles—to take full advantage of its activities and programs. Bus service during nonrush hours is intermittent at best, and few of the teenagers have access to cars.

"The Village," as residents call the project, got a lot of public attention in the fall of 1975 for its alleged high-crime rate. Police Chief J.C. Goodman asked the city council for revenue-sharing money to place two-man police teams in the project around the clock; two-man teams were necessary, he said, because four policemen had been assaulted in Dalton Village the previous year and now were afraid to work there on single patrol. After the community protested and several of his policemen declared they were afraid to patrol alone in the project, Goodman declared that he "didn't mean to say that." "If they send them [more police] out there," one Dalton Village teenager said, "that's when people are going to start doing something [criminal]."

Johnny Hailey, 13, spends afternoons, evenings and weekends with his buddies sprawled on parked cars in one of the project's parking lots, complaining about the boredom. He admits there is crime at the project but justifies at least some of it: "If some scared cracker come out here acting bad but he know he's scared, somebody will ask him, 'Are you lost?', take him in their house and take his money." Dalton Village teenagers say that is a way of putting intruders on notice. "These white people come out here where we pay to stay," a 15-year-old declared. "Let them stay in their neighborhood. They're protecting their neighborhood. Why can't we protect ours?"

Some of the black teenager crime, the kids at Dalton Village say, could be prevented with more jobs. Mrs. Carrie Graves, 40, an activist among Village residents, told a newspaper reporter last December that her Christmas wish was jobs for all the project's teenagers who come to her door asking for work. She said jobs would be

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welcomed by the idle, activity-hungry kids hanging around the project.

The kids agree they could use the money and relief from boredom a job would provide. "We have to pay 25 cents to go to the Housing Authority's dances," 16-year-old Keith Hoke complained. "So we just go down to the bridge and look at the polluted water or sit on somebody's ear in the parking lot. We don't have no transportation or money to go to the movies. It's boring around here."

"Yeah, we'd like to have jobs," another Dalton Village youngster said this winter, "but, you know, you can't get no job now. I wanted something last summer where I could take care of little kids. Instead, I had to walk around here in the hot sun picking up trash with a stick. That made me even blacker, and girls don't like boys that are too dark." □

THE PHONY OPIUM WAR

Washington Can't Kick the Habit

EDWARD BUNKER

President Ford recently proclaimed a new "war" on narcotics, the attack to focus on curtailing opium production. Conferences with the chiefs of state of Colombia, Turkey and Mexico elicited promises of cooperation in return for financing. Rep. Peter Rodino, of House Judiciary Committee fame, followed up the President's announcement with a proposal to cut off aid to any countries that failed to cooperate. Both men were either making political hay (the drug problem is always good for that) or they don't understand the realities. Colombia doesn't grow any opium; Turkey had an agreement to stop growing opium and reneged after a year (during which there was no heroin shortage on the streets) because our compensation wasn't enough to support the Turkish poppy farmers. We let the issue drop without a whimper. And since we did nothing when Turkey used weapons supplied by us to invade Cyprus, it's doubtful that Mr. Rodino was threatening in good faith. As for Mexico, the central government there is willing to help, as long as we give enough millions to subsidize the effort, but Mexico City has only limited control in the hinterland, and the attitude there (and in most of the world) is that our approach to drug addiction is hilariously stupid and that selling narcotics for U.S. consumption is morally acceptable.

Mr. Ford neglected to mention the Golden Triangle in Southeast Asia, mainly in Burma but spreading into other countries. The Golden Triangle grows more opium than all the other places combined. We have no control in that area; we aren't even welcome. Seeing that it takes about 25 square miles to supply the opium for the entire illegal market in the United States (the only place, except Canada, where there is *any* illegal market), the President proposed something with very little chance of success.

Nobody wants to face the truth about narcotics. This "war" has become a paranoid delusion. It's been going on since 1914 when, at The Hague, an international treaty to regulate opium traffic between nations was signed. Before that, during the latter half of the 19th century, opium and morphine were as easy to buy, and as cheap, as aspirin is today. For every male alcoholic there was a female opium eater. Indeed, many physicians thought that drug addiction was the cure for alcoholism—and it is the best cure. Back then, the odds are that granny was a junkie. She had to have her "tonic" in the morning before she could milk the cow, cut the firewood, bake the bread or plough the field. The tonic's main ingredient was opium. If she missed it, she felt terrible, but with it she felt fine. In those days we had less than half the population and about the same number of addicts. Opium certainly sapped the vitality of the nation. Or did it?

The public believes that drug addicts are scrawny, emaciated; blank-eyed zombies, the walking dead. That's a lie. The truth is that narcotics have no effect whatsoever on heart, liver, lungs, kidneys, intelligence or anything else. The image of emaciation comes not from narcotics but from the manner of living that our laws and attitudes force upon the addict. He can't eat very well or worry about his teeth if he needs $50 a day to fend off withdrawal pains. Heroin has one deleterious effect: the addiction is for life. The belief that addicts can be cured is also a lie. We don't emphasize that in our propaganda. We have ex-addicts make speeches to children, and the young see someone who has quit, so they think they can experiment and quit, and maybe they can—if it remains an experiment. But once a person has become an addict, it is forever. I believe a biochemical change takes place, so that the addict develops a permanent need. Send an addict to jail, keep him away from narcotics for five or ten years, and within days, weeks or months after he is out the overwhelming "hunger" will manifest itself. He will go back to the nightmare of being a social pariah, with full awareness that the life is wretched and imprisonment nearly inevitable. Drug addiction is incurable; all the treatment programs are a failure. Follow-up studies in some programs show 100 per cent failure. Various states and the U.S. Govern-

Edward Bunker, aged 43, has spent most of his life in prison, serving terms for a variety of offenses that include forgery, burglary, safe-cracking, assault with a deadly weapon and robbery. He has been addicted to drugs. Mr. Bunker published "War Behind Walls" in 1972 (Harper's *magazine*) *and a novel,* No Beast So Fierce, *in 1973 (W.W. Norton).*

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ment have institutional programs. A federal NARA Program—from the Narcotics Addict Rehabilitation Act—uses various forms of group therapy. Terminal Island has an NARA unit. The program director, Jim Houston, was unable to show me one cured addict after ten years of operation costing I don't know how many millions of dollars. When I mentioned methadone maintenance, he rejected the idea because methadone is also addictive. He knows less about drug addiction than I do, and his function is not to cure addicts but to continue to maintain a lucrative *status quo*. The best that can be said for such programs is that they allow addicts to get their health back while providing a form of welfare to those who administer them. Famed Synanon claims only 10 per cent success among "graduates," with dropouts before graduation running 70 per cent. The cost per successful cure (nearly all of whom were not addicts but experimenters) is about $240,000.

We can't cure addicts. We likewise can't stop the traffic. No matter what the penalties, it is just too lucrative. A $2,000 investment in Rangoon, Beirut or elsewhere is worth about $30,000 as soon as it reaches the United States. And it's worth nearly $500,000 when broken down and sold on the streets. A man can become a millionaire in six months, and even a mandatory death penalty would be risked by many. Whenever I hear of Customs making a seizure of 50 pounds, proclaiming the value as so many millions, I laugh. It was worth that on the street; it didn't cost that. One pound that gets through makes up for the loss of 20 that are seized, and we seize at most 5 per cent. Five tons of pure heroin supplies the 500,000 addicts. How can we stop 5 tons spread among the 100 *million* tons of imports, among the 100 *million* persons arriving on 300,000 airplanes and 150,000 ships?

Only two countries have a narcotics "problem," the United States and Canada, and the narcotics problem is synonymous with crime. An addict needs $30 to $50 a day to support his or her habit, and nearly all either peddle on a small scale (it takes four addicted thieves to support one peddler), commit victimless crimes such as prostitution, or steal property. They must steal $150 a day in merchandise because they get only partial value for their loot. They do it 365 days a year. They are like locusts. They seldom commit violent crimes or big crimes. They don't have the time to plan the latter. Santa Barbara once locked up all known addicts for sixty days; the property crime rate dropped more than 50 per cent.

COLLEGE NEWSPAPERS

Would you like to give a Nation gift subscription to a college newspaper at the reduced price of $10.00? In these confusing times it is important for young people to read a publication that combines clear analysis with a moral position against injustice and violence.

The estimated total cost of drug addiction in the United States is between $7.5 billion and $10.5 billion. This includes the financial loss in crimes, in lost taxes, in law enforcement, in courts and in institutions. It doesn't include the human misery. Most addicts quickly hate such an existence, but heroin is an addicting drug. The addict has no choice.

And the world is laughing at us. We support our problem. We underwrite it as if we had a vested interest. It's really curious to an objective outsider. We support the illegal traffic. We keep up the price. If I took that $2,000 kilo of heroin from Rangoon to Europe—Berlin, Paris, Vienna, Madrid—I couldn't get back what I had invested in it. Every country has strict laws against smuggling and trafficking, but only the United States and Canada have laws against being an addict. Everywhere else it is treated as a sickness. An addict in Europe doesn't buy black market narcotics at $50; he or she goes to a clinic or a physician and gets it for pennies. Health officials teach the truth to youth: addiction is forever. The addict has no interest in infecting others. There's no smuggling because there's no market. The United States is the only market in the world for illegal narcotics, and we do everything possible to insure that the problem continues. Sixty-two years of utter failure and we haven't learned anything. Now the subject is too charged with emotion for rational thought. The nation is brainwashed from the demagogic screams of politicians and police.

Every objective medical and social study confirms what I've said: there's no cure, it isn't detrimental to health as long as the supply is stable, and every study recommends following the European approach, especially that of England. The British keep thorough records. At the turn of the century they had the same percentage of addicts as the rest of Europe, and the United States had a few less. England supplied its addicts, sometimes for free, sometimes at the true cost. Heroin is supplied only at clinics, but private physicians can prescribe morphine, methadone, etc., as long as the addict is registered. Britain wrote off curing the addicts it had and concentrated on stopping the spread. It succeeded. About 50 per cent of England's addicts on heroin work full time and pay taxes. They are citizens. The 50 per cent employment includes women and the elderly in a time of a bad economy. Of those on methadone, nearly 80 per cent are gainfully employed. An Englishman I know thinks someone has a vested interest in maintaining an intolerable crime rate in the United States by keeping something worth 20¢ priced at $50.

When President Ford launched this new war, was he advised that it wouldn't cause a pause if we defoliated every opium field in the world? Synthetic narcotics—a cornucopia of them—are as easy to manufacture in the laboratory as opium is to convert to heroin. Many addicts prefer the synthetics such as dilaudid. The international traffickers have been ready for years to switch if something interfered with opium. The synthetics have a coal-tar base. When we destroy the world's supply of opium will we declare war on coal tar? □

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BOOKS & THE ARTS

Bicentennial Reflections (Part III)

EMILE CAPOUYA

Earlier portions of this essay appeared in The Nation *of March 13 and April 10. Finding that the diatribe grows under his hand, the author regretfully announces a fourth installment to come.*

I would willingly take as my device the words of Josephine Baker's song,

J'ai deux amours,
Mon pays et Paris

—with the City of Light standing for my honorable estate as a man professing the humanities. And I had never heard it intimated that there was a great gulf fixed between love of country and love of letters, so that the one passion would disable me from feeling and expressing the other in any seemly way. I had imagined, rather, that simply to try to raise the level of American conversation on the question of privacy and community was an act of patriotism. But here I was in the presence of my peers in the professorate, and my elders, too, and it was clear from their remarks that when it came to love of country I didn't know the words or the tune. To them I was a painful reactionary. I referred our present-day conduct to the standards of a mythical golden age. No doubt I longed for a republic built upon an independent yeomanry, and in the age of jet engines and transnational conglomerates, babbled of 40 acres and a mule. No doubt I looked forward to the repeal of penicillin, the triumphal return of puerperal fever. The literary mind—in imagination mounted on Pegasus, in reality astride of Balaam's ass.

And for my part, by this time I was thinking unflattering thoughts about the other participants in the conference on "Private Rights and the Public Good." It seemed to me that their inspiration departed widely from the ideals that the United States had incarnated at its founding, so that their notion of public good was likely to be inadequate. They were clearly men of good will; it struck me, though, that they were prepared to help administer the American state, but not actively to advance the American idea. If their comments meant anything, they were altogether too modest in their expectations: *Life*, of a sort. *Liberty*, provisional. *The pursuit of happiness*, under license from the constituted authorities. And since they appeared to imagine that these abridgments of the original charter of our rights were quite good enough for their fellow citizens too, their modesty looked like confounded impudence.

I had mentioned, in trying to give reasonable scope to the idea of enfranchisement, an observation that had been thrust upon me when I was in the Army—two young men in my rifle company did not know the name of the reigning President. I was well acquainted with those young soldiers. They were as intelligent as anyone else. I could not account for that odd gap in their knowledge. It took a good deal of reflection before I understood that it was my picture of the world that was at fault. My fellow soldiers did not know the President's name because they were of a social class to whom that kind of information made no earthly difference. For them the terms of life were of another order than those that I had hitherto assumed to be universal. Those men were not of the class that assembles to discuss public issues, or lobbies, or petitions, or drafts model statutes for adoption by the legislature. Their civic function was to work at low wages in time of peace and serve as foot soldiers in time of war. Their political philosophy was the accurate expression of their political experience: You can't fight city hall.

I remember that once, when I was a child, a boy came up to me and suddenly stuck out his tongue. It was long and wide, deeply scored down the middle of it, and deep channels ran from side to side. It most resembled something I have seen since, the sucker atop the head of a remora, ridged with a beautiful and horrifying symmetry. Having shown me his secret, the boy took a step backward to enjoy my expression of shocked surprise. "What happened to it?" "I bit it like that." That explanation seems unlikely to me now, but I didn't think about it for he offered to show me his tongue again and I turned away in embarrassment. When I mentioned to my colleagues at the conference the two young men who didn't know the President from Adam's off ox, and described them as alert and capable fellows, it appeared to me that the professors were ashamed for my affliction, and shrank inwardly in the same way. What did I think the example proved? Men who do not know the President's name are defective by definition. Besides, did I imagine that two soldiers represented a statistically significant sample? Most of all, didn't I understand that the world contained a limited number of persons who were, in the heraldic phrase, capable of honor, and a much larger number born without that gift, who were a charge and a clog upon their betters, so much of whose energy must be spent in providing for them? I can't swear that these things were written in the faces around me, but at the time I felt their mood came to that, as near as damn it.

I spoke of those soldiers to my colleagues not because they are statistically typical but because their condition is eloquent of the declining arc of our political ambition. The fact is that we do not consult the experience, intelligence, and aspiration of the larger part of the nation. Two political clubs govern in the name of the country, framing all issues for public discussion, choosing candidates for public office, administering the greatest number of their fellow citizens to within an inch of their lives—and all that quite against the grain of this people. I did not tell the conferees that the deep misprision embodied in our way of conducting our public business was a profound political mistake. The Watergate scandal is behind us, the politicians have recovered their aplomb, but the country will prove unforgiving. As I write, our Representatives in Congress are trying to make food stamps rather more expensive than food—admirable unflappability. But they are fooling with the nation that has just shut down a war that their lordships were eager to prosecute further—simply because the people had grown ashamed of what was being done in their name, mostly in secret, while they were busy working, as usual, to pay the rent and the taxes. I said *nothing* of this because I was confused and despondent. That was to fall short of my duty, since I owed my colleagues the best insight I have about our common life.

Besides, a man who lectures his fellows about our civic failings is hard put to it not to sound, even in his own ears, like a two-bit Savonarola, a Torquemada without portfolio. Especially in an age when mutual gratulation is the merest good manners of public discussion. As Chesterton said in another connection, "The position is ridiculous, the expense damnable." I had found that to be true when I cited to my fellow professors John Jay Chapman's aphorism: "Misgovernment in the United States is an incident in the history of commerce. It is part of the triumph of industrial progress." That proposition was not universally cheered. Nor was the corollary, derived from Chapman's own experience as a

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political reformer: "Reform in the United States is an incident in the history of commerce." I think I had traveled to another galaxy, in point of intellectual sympathy, by the time I mentioned my belief that, as a very first step, our meeting to discuss "Private Rights and the Public Good" must be understood to be an incident in the history of commerce, if we were not to be helplessly imprisoned in the conventional wisdom that surrounded our topic. Commerce is all very well. It may be indispensable. But it may not be the soul of a conclave of American scholars, for it is not the soul of America. And therefore it was no business of ours to ask—tacitly, on the basis of unexamined assumptions—how far privacy, and its necessary condition, effective community, might be compatible with the ethic of commerce and the reason of state. But what did my colleagues make of those eidolons, the two young Americans who couldn't give sweet Fanny Adams for the President of the Republicans and Democrats? Who understood well enough that someone, not themselves, was officially in charge of their fate, and they must scrape along in life anyhow, with no help from him and the persons who had selected him for his ceremonial functions. Why, they made nothing of them. Those men were socially inconsiderable. It is the custom in discussion to examine matters cited in evidence, to determine their value and weight. Not in this case. Those soldiers had strayed into the argument from way out in left field. The rule that applied here was, "If you pay no attention, they generally go away."

Another scene sticks in my craw, this one quite recent. A couple of weeks ago I was eating at a lunch counter, and looked up as a young man entered the place, followed by a young woman. (In so capital a case I should like to tell the truth, even in small things and at the risk of discrediting my report: I am afraid I looked up from a book I was reading, after the indolently studious manner of my kind.) The clothes of both answered to an ideal of personality as demanding as religious dedication or military glory—their dress was that emphatic. Given the neighborhood, there was only one explanation. I said to myself, a pimp, treating one of his whores to coffee-and. I went back to my book.

I had to look up again because the man said, in a tone of measured ferocity, "I want two hamburgers on one roll—two on the one roll, mind. I want cole slaw on the side. I want pickle. I want relish. I want a large coke with a slice of lemon." The woman gave her order with the same peremptory particularity, using the same formula, "I want." They didn't seem to be drunk. They were specific, and discriminating. To serve some appetite rarer than the physical, they were exercising choice—connoisseurship—among the grossest eatables, and announcing their decisions as if they were directing troops in battle. A vision of freedom and mastery had them in thrall, and the unlikely theatre of the lunch counter was as good as any other for staging the drama of their lives.

Then they conversed in private voices, except for announcing further *wants*, looking straight before them the while, indifferent to their audience. It occurred to me all at once that this was the year 1976, and it was somewhat hasty to conclude right away that their costume necessarily meant pimp and whore. Now half the world is in masquerade, dressed in clothes and manners that signify incommunicable glimpses of romance. In this instance the clothes and manners were expensive—only the poor could afford them. Either that couple dealt in forbidden goods and services or they dreamt it. One way or the other, it was their profession of faith, their social status, their political initiative, their civic autonomy. My mind running always on the conference met to consider "Private Rights and the Public Good," I said to the conferees, long dispersed—as I supposed, to their entire satisfaction at a job well done—how do you like them apples? Just for openers, how do you explain 200 years of the American experiment, and this young man and young woman not yet admitted to the franchise?

Everything about them was pure American. They were uttering my native wood-notes, right here, not on Pluto or Uranus. On either hypothesis, in the skin trade or out of it, they said something unmistakable about the condition of community in America.

Let me be plain. The idea that there must always be, under whatever social order, broken crocks whose ambition will sort with going into a short-order joint to stand it on its ear, is a piece of disgusting sentimentality. It is the sentimentality of the comfortable classes. It keeps them from noticing that their comfort is a function of the straitened lives of the factory rejects in question. Rich women do not become prostitutes. Poor women do. Rich men do not live, directly, on the earnings of prostitutes. Poor men do. And only the poor in spirit—I mean the spiritually underemployed—can imagine that a masquerade of thuggery and violation is life lived largely, adventurously, spontaneously, after a manly, womanly, human pattern. What Taine said a century ago in his pat French way, "Virtue and vice are *products*, like sugar and sulphuric acid," is the elementary good sense of any useful sociology. If I hadn't known that earlier, I got my nose rubbed in it as I walked the scant hundred yards from the lunch counter to my office, for two panhandlers interviewed me along the way. I had to remember that during the second World War I had visited most of the great cities of our three coasts, and being a very young man had trotted about everywhere at all hours—and seen one panhandler between 1942 and 1946. Where were the crocks during that time, the unemployables, the drunks and addicts? Working in defense plants. Is the derelict a social artifact? It would seem so. Then let us have no more cant on the subject.

As it happened, the book I had been reading was William Dean Howells's *A Hazard of New Fortunes*, newly reissued in a pleasant edition. And, how all occasions do inform against me! I had just come upon a passage in which a German immigrant to this country is being discussed by other characters in the novel. He is poor, a radical, palpably a foreigner, but he has lost a hand fighting on the Northern side in the Civil War. People regard him with a kind of involuntary piety because he served

THE STING

Praise the Yellow Jacket that can sting
on provocation. Praise all Yellow Jackets
that can sting, unless left to themselves.
Praise their wanting to be left alone
in their own lives. Praise their carrying on
as a community of interest and fighting off
any one or more interference in the least.
Praise their dedication to their community
and their willingness to die with the sting.

And praise the sting on my left arm.
I run as fast as I can to the drug store
for an anodyne or pain reliever, already
dizzy from the effects of the sting.
And praise the anodyne and the pain reliever;
they go together with the sting.

David Ignatow

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and suffered in the war against slavery. On two other occasions in the story, persons who learn of his history look upon him as a hero and a martyr. Howells mentions the thing in passing, quite without emphasis.

Now, here is a strange thing. In grammar school I had learned that the Civil War was fought over the issue of slavery. In high school, my teachers, judging me ready to assume the virile toga, had explained that the war was really a matter of commercial rivalry between Northern merchants and manufacturers on one side and Southern cotton growers on the other. And having absorbed the general view of our national life expressed in that formulation, when I got to be a college student I avoided American history as boring, and studied the history of other places instead. That was a bit of luck, because the American history I picked up in odd snatches thereafter reached me without benefit of official interpretation. Eventually I came to believe that my grammar-school teachers had been in the right. And when I read Chapman's biography of William Lloyd Garrison, and came to the words, ". . .Anti-slavery was an agony in the blood of young men, in 1829," I knew that my instinct had been sound—I became an American again, and not inclined to feel sheepish about it. But I was some annoyed by the attempt to paper over the issue of the Civil War, which Chapman had had to oppose already at the beginning of this century, which had been palmed off on me in my high school days so that I might come to manhood without any reverence for the convulsions my country had undergone in the struggle to humanize itself, and which has effectively robbed most of my own students of any interest in the shape of their own lives. When I mention to them that the war was fought because of slavery, they look incredulous, or scornful. Sometimes they get angry.

Well, writing in the 1880s, Howells takes it as a matter of course that New Yorkers are moved by the sight of a veteran wounded some fifteen years earlier in the crusade. America, again. And much unconscious testimony of the kind has disposed me to hear with a certain irony the censure professional scholars pronounce on any Utopian vision of our future. They say, like King Claudius,

It shows a will most incorrect to heaven,
A heart unfortified, a mind impatient,
An understanding simple and unschooled.

Yes, and if Hamlet believes that, Claudius will tell him another. Had I gone on believing the Civil War to have been purely an affair of the countinghouse—no, one cannot believe such a thing, it doesn't have the makings of a belief—had I been permitted to go on avoiding the issue, I suppose I need not have carried the memory of the two soldiers with me for twenty years. As it was, they affected me with something like what physicians call, poetically, an insult to the system. I received the injury from them—they transmitted it, who had been gravely insulted by their countrymen before ever I saw them. The man and woman who invaded the lunch counter have also passed on to me an insult to the system, and the panhandlers, one of whom said, "I'm really hungry," and the other, belligerently, "Listen, I know I'm drunk. . . ."

I am a reasonably shameless man, but I don't see how I could have the face to subtilize those people away as mere supers in the play of consciousness. Not for God's sake in 1976, when Howard Johnson's is handing out commemorative cocked hats to the kiddies. (Pretty poor cocked hats. Triangular paper figures, all brim and no crown like a billiard rack. I guess it's the thought that counts.) I am as attached as anyone to my middle-class comforts, and I won't say that I couldn't in a pinch be persuaded to fight the Chinese or the Russians for them. But here, within our own boundaries, there is only one cure for the insult to my system: whatever is going, everyone gets. I look on all other programs as being of foreign inspiration, and no good at all for what ails me. Outside agitators have spread them among us. It wouldn't be in keeping with our traditions to give them a hard time on that account—it's a free country, isn't it?—but neither can we go on adapting our practice to their precepts. Whatever is going, everyone gets.

About ten years ago, a man just returned from a visit to Portugal told me that he had found the country delightful. One characteristic note: while driving along a country lane he had overtaken a horseman, at whose approach an old woman moved to the side of the road and knelt down until the gentleman should have ridden by. My man had been touched by the sight. And surely the gesture is suggestive of a web of relations that is not without comeliness—how can we rule out the possibility of dignity on both sides, mutual respect between the mounted man and the woman on her knees? That and other old customs have no doubt been shaken rudely by the revolution in Portugal, and if something has been gained thereby, it is likely too that something has been lost. When I call my boss by his first name, and nervously rattle the change in my pocket, I am not specially conscious of any dignity in my bearing. But there it is—our own revolution happened 200 years ago, was ratified by the Civil War, and feudalism with its graces and disgraces is simply unavailable to us. The only system we can make use of is equality. We were brought up to expect it, as that kneeling woman was brought up to find dignity in formal and practical submission. The difference, I imagine, is that she generally found what she expected. That is not the way it is with us. Equality is something we Americans have given only a lick and a promise.

In American triumphs there is an undercurrent of disappointment, as at a failure. In American suffering there is an undercurrent of rage. We had promised ourselves something else, the communion of equals. The customs of medieval countries are such that communion can subsist, perhaps, between privileged orders and inferior ones. In our country, equality is the necessary premise. One of Chekhov's characters, a poor man, not overly intelligent, says to his scornful superior, "You shouldn't talk to me like that, your honor. I'm made in God's image, like you." The rebuke is piercing, not least because it is hopeless. At the top of that social order was the Little Father, Autocrat of All the Russias. Below him, gentlemen inclined to call their inferiors out of their names, and those inferiors a population of worms—made in God's image. So much is clear from the speech. But when someone is rude to an American, he says, "Who the hell are you?" The premise is absolutely different. We can't change it. The only thing to do is to live up to it.

In that essay on privacy that found no favor with my colleagues, I had suggested that our law does not conform to our sense of things when it distinguishes between offenses against property and offenses against the person. When we come home to find the place has been burglarized, we may recite the money damage to the police and the insurance company, but what we feel is dismay, a sense of violation, a sense that our privacy—our trust in our fellows—has been abused. A man who has been mugged feels the same thing, more intensely, perhaps for weeks or months thereafter, the sense of having dropped right through the fabric of faith that is our social habit and that we take for granted all the time. My point was that there are crimes we experience as offenses against the person, whether or not the law acknowledges them. One of these, and to my mind the greatest, is the baffled expectation of equality. America is so conceived that the ideal of equality is at the bottom of whatever social communion we can enjoy. And with us as with all nations the social and the personal are one flesh. There is no hope of a private integrity or a private happiness not supported by public faith. When the tissue of social trust is forever strained and riven, when a broken promise is the most familiar condition of our lives, then all discussion of privacy is dangerously close to nostalgia. My colleagues thought I was appealing to a mythical golden age. In that argument between the pot and the kettle, I felt that someone else was confidently looking for high noon at two o'clock. □

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'In the Service of an Alien Race'

A PRINCE OF OUR DISORDER: The Life of T.E. Lawrence. *By John E. Mack. Little, Brown and Co. 561 pp. $15.*

ROBERT K. MORRIS

Since his death in 1935, Thomas Edward Lawrence, the notorious "Lawrence of Arabia" who became a living myth before he was 30 years old and died, seventeen years later, courting anonymity, has been the subject of a spate of studies intended to explain or explain away one of the most elusive and baffling personalities of our lifetime. A perpetual enigma even to his closest friends, a mystery to the public, and often a disastrous riddle of motives to himself, Lawrence has summoned forth both idolaters and detractors: those who see him as perhaps the last great hero in the last great age of heroism, and those who find him a charlatan, masochist, liar, neurotic, nihilist and irresponsible adventurer. All such studies have wrestled with trying to understand Lawrence's metamorphosis from a young, eager archaeologist into the war hero "El Aurens," then into the disillusioned statesman at the Paris Peace Conference, and finally into the ambitionless serviceman in the RAF; and the denigrating assessments, no less than the adulatory, have seriously asked more or less the same question: why did the humming dynamo wind down?

The latest study of Lawrence by John E. Mack has one or two off-putting things about it—to which I will return—but there is little doubt that it goes the longest way to answering the question while remaining relatively objective about someone whom the author considers "a great man and an important historical figure." For one thing it is, hands down, the most definitive biography of Lawrence to date, a labor of some twelve years, and a work of scrupulous and exhaustive scholarship. For another, it faithfully covers the old ground—the "facts" of Lawrence's life as gathered from previously published studies—while breaking into fertile and unfamiliar areas by analyzing anew letters, contemporary records, and reminiscences in light of freshly discovered evidence. Most important, it plays the inner Lawrence against the outer Lawrence, the private man against the public man—and goes further by playing both cores of this complex and baffling personality against the social, political and historical forces that he set in motion, and that ultimately moved him.

The broad tack of Lawrence's life is as I suggested above, but of course in such detailed biographies as Mack's, the narrowest reaches become everything. Up until 1911, when Lawrence first became engaged in the finger exercises that presaged his future manipulation of the Middle East, nothing but his illegitimate birth distinguished him from other bright-as-a-penny fellows who found their way to Oxford. There he became the protégé of the noted archaeologist D.G. Hogarth, and won a traveling fellowship to excavate at Carchemish on the Euphrates. In a little over three years Lawrence mastered Arabic and the manners and morals of the desert tribes, charted and mapped vast stretches of the Sinai Peninsula, and fed intelligence to the British War Office. Two years later he was involved in the legendary guerrilla activities that undermined the Turkish-German sphere of power in Arabia and laid the keystone for the Arab nation.

Mack attributes this first metamorphosis of Lawrence—from scholar to soldier—to a variety of causes: his smothering and demanding mother who wanted him to redeem her "sin" by achieving greatness; his subsequent drift to male society because of it; his passion for medieval tales and epics which "helped him to build a myth of the absolute contest of the forces of good against evil"; his love for the Arab peoples and his dislike for the Germans. Lawrence, in short, was goaded by multifarious motivations that kept him forever struggling free of one myth to become entrapped in another, for he despised fame as much as he courted it, and practiced self-effacement as much as he lusted after power and renown.

Mack makes the ambivalences in Lawrence's psyche the center of his study, for they anticipate what the later Lawrence was to become. In tandem chapters called "The Question of Motivation," "Lawrence the Enabler," "The Conflict of Responsibility," "The Heroic Legend and the Hero" and "The Shattering of the Dream"—the last dealing with Lawrence's apparent homosexual brutalization by the Turks at Der'a—Mack brings on the heavy guns of his discipline, psychiatry, to ascertain truths that his psychiatric caution will only allow to remain relative. Thus the ambiguities appear richer, but hardly more explicable. The best thing Mack says, I think, is something that common sense, not psychiatry, dictates:

> From [World War I] on. . .Lawrence as a real person, and the mythological Lawrence of legendary heroism begin their complex relationship with one another. At times they seem to coincide, while at other times they diverge widely. During his lifetime the actual Lawrence was forever the critic of the heroic one, especially of the *mythic* heroic character he could not help creating. His insight into his own limitations, his awareness of the distortions of truth the legend he helped to create contained, and his profound intellectual awareness of the impure mixture of creditable and discreditable characteristics that define all men, made the idealized versions of his life that were growing up about him especially distasteful.

There can be little doubt that Lawrence was physically and emotionally exhausted by the horrors and privations of war, and totally disillusioned by the peace, which, in the wake of the Syke-Picot agreement, quashed hopes for Arab unification by giving Syria to the French and instigating new factionalism among the Arab peoples. But Mack is convinced that Lawrence's reliving of the saga of his exploits in the writing and rewriting of *Seven Pillars of Wisdom*—the closest thing to an heroic epic that the 20th century has produced—had a vastly therapeutic effect. What was truly deleterious to one of Lawrence's sensibility and sensitivity was the exploitation by the media of his image as "the Uncrowned King of Arabia." Lowell Thomas built his own reputation by ballyhooing Lawrence's; yet while Lawrence might have been repelled by the film-and-lecture show that Thomas trotted out before millions of people in America and England, he cooperated in its making and never publicly disavowed its inaccuracies and its trumpery character. When, after 1921, it grew clear to Lawrence that the British Government would redeem but few of his pledges to the Arabs, he became sickened at the whole intolerable fraud, and enlisted as a private, under an assumed name (J.H. Ross), in the RAF.

Lawrence served in the ranks for the next thirteen years. "There is little that can be said of a period devoted to self-effacement," reads the last entry in his personnel file, but in the last 150 pages of his biography, Mack sets out to show that "although Lawrence's accomplishments were less dramatic than those of the war and postwar political years, this period was equally rich, and formed a vital part of his life and legend." I doubt that many people will finally agree with the latter part of his statement. Mack's access to thousands of Lawrence's still-unpublished letters do suggest that he—at times—was more integrated as a person, more at peace with himself than he had ever been before. Freed of his idealism, he was also freed of its burdens; or rather, he now reposed many of his ideals in individuals instead of concepts. He "enabled" all those with whom he came into contact and became one of the most popular men in the ranks; and, additionally, he developed outside friendships with such luminaries as Thomas Hardy, George Bernard and Char-

Robert Morris's most recent book is a study of V.S. Naipaul, Paradoxes of Order (*University of Missouri Press*).

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lotte Shaw, E.M. Forster, Noel Coward, Edward Elgar, and scores more.

But posterity must inevitably take a dim view of Lawrence's turning his enormous energies and genius to the writing of RAF reforms and manuals on boats and engines. No matter how eloquently Mack lobbies for Lawrence's calmness, kindness and altruism, outweighing heavy bouts of depression, misanthropy, nihilism and self-disparagement, we still get a picture of a titan chained, sadly enough, to a monolith of his own creation. Had Lawrence not died in a motorcycle accident, universal conjecture has it that eventually he would have committed suicide. His last days, reflected in his voluminous letters, "suggest a continuing and progressive despair and emptiness." In Mack's opinion the accident *was* an accident, and one of the least enigmatic happenings in Lawrence's life; but that Lawrence's hard, gemlike flame should have guttered so as to arouse conjecture at all might well be more of a tragic riddle than the stupid accident itself.

A Prince of Our Disorder may well be the final word on the life of T.E. Lawrence. It is hard to see anyone bettering it or going beyond it, for indeed the whole fabric of Lawrence's life is there. Lawrence fits, undoubtedly, Irving Howe's description of him as "a man struggling with a vision he can neither realize nor abandon. . .a representative man of our century, in his courage and vulnerability in bearing the burden of our consciousness." Yet he fits, too, the psychiatrist's view of him as a man unable to "ultimately resolve his inner personal disorder." One must be cognizant of the two Lawrences, but how one chooses to remember him may be more a matter of emotion than reason. In my own case, I can only feel that psychiatry often goes out of its way to refine our heroes and myths out of existence. *A Prince of Our Disorder* is an enlightening display of psychological biography, and a consummate rendering of an incredible life, but since we are no longer capable of producing legends like that of Lawrence, I am somewhat saddened that the overwhelming truths about a man must logically temper the myths about a hero. □

Beyond 'A Room of One's Own'

LITERARY WOMEN. *By Ellen Moers. Doubleday & Co. 336 pp. $10.*

LYNNE SHARON SCHWARTZ

When, against my better judgment, I read several fretful reviews of *Literary Women*, I got the impression that Ellen Moers had written a militant book, full of outrageous claims and trendy theories constructed by isolating her subject from its surrounding reality. It would be damaging indeed, not only to women but, more important, to literature, to divide the human sensibility and claim either a particular mastery of craft or a special segment of experience for one or the other sex.

However, Moers has done nothing of the kind. Her book is measured, sprightly, entertaining and scholarly. It is hardly informed by a polemical spirit, rather by an intensely curious one. I have searched it assiduously for the "feminist theory" and found none. That may be a disappointment to some readers. I think the absence of theory enhances the case for the depth and range of women's contributions; in other words, the evidence speaks for itself. The only theory put forth here is that people write out of what they are and what they have known, and in this instance the people are women. I cannot imagine why this should stir up controversy.

The question that prompted the book, Moers writes, is, "What did it matter that so many of the great writers of modern times have been women? What did it matter to literature?" Her approach to an answer is empirical—that is, "the literary women themselves, their language, their concerns, have done the organizing of this book."

The empiricism of *Literary Women* works exceedingly well, especially since the author is immensely learned in the field. The organization is somewhat less successful. The book is filled with *non sequiturs*: the mind boggles when asked to leap from Diane Arbus to Carson McCullers, Freud, Robin Morgan and then Sylvia Plath in a couple of paragraphs, or to follow the narrative's frequent digressions. However, the *non sequiturs* and digressions, once one has made a minor effort of accommodation, can be quite fruitful.

An opening letter by Harriet Beecher Stowe describing her surprisingly contemporary entreaties to her plumber is an amusing appetizer. So much for women writers' special difficulties arising from domesticity, amply documented elsewhere. Moers wisely moves on to "the epic age," roughly the 19th century, when "feminine outrage . . . [was] diverted to nonfeminist social causes." Margaret Fuller wrote: "As the friend of the Negro assumes that one man cannot by right hold another in bondage, so should the friend of Woman assume that Man cannot by right lay even well-meant restrictions on Woman." The analogy helps explain the surge of passionate pleas against repression articulated by women as they entered the literary scene in significant numbers. Stowe wrote *Uncle Tom's Cabin*, George Eliot probed anti-Semitism in *Daniel Deronda*, Mrs. Gaskell took on industrial injustice in *Mary Barton*. Again, George Sand's liberal journalism during the upheavals of 1848, as well as her preoccupation with the social isolation resulting from illiteracy, are more easily understood in a feminine context. Moers juxtaposes all these works of protest alongside Charlotte Brontë's *Jane Eyre*, and a coherent mosaic emerges. Men took up causes also, to be sure, but, one suspects, more out of a sense of justice than from the visceral pain of suffocation familiar to women.

Literary Women describes respectfully and in detail the writings of early crusaders who made persuasive fictions out of their social concerns and have

Lynne Sharon Schwartz is a free-lance writer and critic.

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now passed into near-oblivion—Harriet Martineau, Charlotte Elizabeth Brown, Flora Tristan. Still, the question nags the reader, Yes, but is it Art? Virginia Woolf cautioned women writers that "it is fatal . . . to lay the least stress on any grievance; to plead even with justice any cause. . . . Anything written with that conscious bias is doomed to death." Moers quotes these words, pays appropriate homage and goes, blithely and with admirable aplomb, onward. Her interest is not primarily aesthetic but historical. She is in search of a common feminine tradition, nurtured in solitude, diversified by cross-country pollination (George Eliot's correspondence with Harriet Beecher Stowe, Emily Dickinson's avid reading of Elizabeth Barrett Browning)—a tradition which from time to time will toss up a substantial artist, a George Eliot, a Willa Cather, a Virginia Woolf, whose roots have been strengthened by equally passionate but less gifted women forerunners. Moers is convincing on this point, without denying that her subjects shared in the larger movements of their age as well. It is clearly demonstrated that Jane Austen, the Brontës, George Eliot, George Sand, were quite aware both of their difficult and anomalous role as groundbreakers and of their mutual kinship.

Occasionally, though, ideology outruns perception. Elizabeth Barrett Browning, in Moers's skilled treatment, can become a fascinating, complex personality, yet a page of quotes from her *Sonnets* is, unfortunately, in no way improved thereby, while any couplet cited from Emily Dickinson (hardly a feminist) is always arresting. Similarly, a few of the author's suggestions seem to arise from understandable infatuation rather than common sense. I think it unlikely, for example, that modern readers neglect Browning's verse-novel *Aurora Leigh* because they confuse it with *Annabel Lee*, or that George Sand's prodigious output can be accounted for by the discovery that she worked at night.

Moers examines the genres and modes in which women writers have distinguished themselves: the epistolary novel, the Gothic, and, to use her own categories, in creating heroines as lovers, as performers, as educators. She is excellent on the sources of the Gothic, tracing it, interestingly, to the thrills and terrors of rough play in the nursery, "the only heterosexual world that Victorian literary spinsters were ever freely and physically to explore." (If this sounds doubtful, think again of *Wuthering Heights*.) In passing she makes the keen observation that in Ann Radcliffe's novels, the protagonist was "simultaneously persecuted victim and courageous heroine," while in those of her male successors the heroine loses the latter attribute and grows increasingly defenseless. Moers does not overlook Mrs. Radcliffe's excesses, yet notes that in her hands, "The Gothic novel became a feminine substitute for the picaresque," a chance for adventure denied in real life. There is a brilliant analysis of *Frankenstein*, linking it to the amazing number of suicides, pregnancies, births and deaths of infants that occurred in the Shelley circle just before Mary Shelley wrote the novel. No wonder, having been pregnant twice by the age of 18 and having recently lost a baby, she should wish to "bestow animation upon lifeless matter," yet cede the entire process to a man—with disastrous results.

Women's writing about love can be traced back to male origins—to Richardson in *Pamela*, to Rousseau in *La Nouvelle Héloïse*, and to Ovid in the *Heroides*—romantics all. It is a wonder, our author implies, that women have been able to write about love at all. They were labeled passionate and sentimental, yet childish and innocent; narrow and domestic, yet overbearing and monstrous when they attempted to go beyond their limited spheres. Even *Jane Eyre* was roundly condemned in its time, partly, no doubt, because of its humiliation of Rochester. And for success in "the spontaneous, the instinctive . . . the informal" treatment of love such as was achieved by the male letter writers mentioned above, Moers comes up with no convincing English or American candidates. She turns with apparent relief to Colette, indisputably mistress of the mode. It is difficult, in fact, to think of more than a handful of prominent women writers in English who have confronted the glories of love, rather than sex, as their major theme. One might well ponder why.

Woman as performer, educator, transformer in literature is the climax of Moers's exploration. Mme. de Staël's heroine, in *Corinne*, evidently commanded a following that is difficult for our fickle age to grasp. As Moers characteristically puts it, "*Corinne* stands alone in Mme. de Staël's *oeuvre*, in its silliness as in its enormous influence upon literary women." Corinne is a genius, beautiful, independent, sought after, living in Italy, no less, and to crown it all, she is recognized, carried shoulder-high through the Roman streets thronged with adulators. This is more, though, than the extended fantasy of little girls then and now praised for cuteness and performance. It is a fantasy of power: Corinne transforms and humanizes society by her intellectual and feminine radiance. (Today we would say charisma.) Later on the woman of power, in the works of the great moderns, Cather, Colette, Woolf and Gertrude Stein, evolves into the mother. I wish Moers had devoted more space to these authors, to modern authors in general. If anything, her book suffers from the most well-intentioned inclusiveness, a democratization to the detriment of those who were truly outstanding as artists, not as women.

Everyone knows about Colette's loaded relationship with her mother. As for the others, drawing on Stein's libretto, *The Mother of Us All*, Cather's *A Lost Lady* among other works, and Woolf's successive reincarnations of the memorable Mrs. Ramsay, Moers constructs a composite figure who is at once intimate and remote, accessible and mysterious, sensuous and cold. We are offered that earlier generation's splendid, sad image of motherhood. This perhaps is the one area in which women's sensibilities might be claimed to have an exclusive vision. For that tantalizing figure is not only so often revered, in literature and life, as the source of love and knowledge but also emulated as the impossible, relentless ideal of grace and competence. Men's idolatry of Mother, however tortuous (witness Proust), is not burdened by the painful sense of being a despairing miniature. Men write books about father-quests, like *Ulysses*.

Moers closes with a provocative essay

THE PAINTING

Like figures in a painting
we stand and admire the valley,
the long grass touched by April sunlight,
the horses moving beside water.
Out of time, our moment is a rainbow,
opening to a new year.

But the painting moves beyond canvas,
the grass withers and the horses
turn towards winter, their eyes vague
with indecision. Using words,
you have told me you are leaving,
and my loneliness is like the beginning

of water, rained from a summer sky.
Beyond that, I cannot travel,
the boundaries set, the frame measured
and sufficient. Out of time,
our love becomes still,
two figures in a quiet painting.

William Bedford

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on landscapes in women's writing, which she sees as metaphorical parallels to women's anatomy—great chasms, secret temples, hollows, mounds, etc. This too I found illuminating and well done, yet of course the case is rather weighted. One would have to sift through a good deal of landscape description in works by both sexes to be thoroughly persuaded of any consistency.

At a recent women writers' symposium sponsored by Doubleday to promote this book, a symposium more compelling for gathering and presenting, as it were, so many prominent women writers in one room than for any words spoken, someone remarked that there was no need for *Literary Women*, that Virginia Woolf had said it all in *A Room of One's Own*. Now, having read Moers, I can disagree. *A Room of One's Own* was the emotional truth, the challenge to the spirit. *Literary Women* is a worthy offshoot: the facts, the practical evidence, the story of so many inspired leaps over terrifying man-made barriers. □

ART

LAWRENCE ALLOWAY

Artists' writings have increased in volume and importance in the 20th century, but fitfully, not on a smooth ascending graph. Neither the Pop artists (except for Claes Oldenburg) nor the Hard Edge painters contributed much to this branch of the literature of art. On the other hand three artists associated with slightly later tendencies, Earthworks (Robert Smithson) and Minimal Sculpture (Robert Morris and Donald Judd), wrote seriously and at length. A recent exhibition of Smithson at the John Weber Gallery included scrapbooks of his writings, published but uncollected, which had appeared at various dates from 1966 to 1973, the year of his death at the age of 35.

Smithson's writings are clearly thought out and formally elaborated in a way far removed from the first-person aphorisms and *macho* haiku of short-winded artists. He wrote for publication and his articles are shaped lovingly. Eight pieces appeared in *Artforum* and others in *Arts Magazine*, *Art International* and the defunct *Art Voices*. The first piece Smithson wrote was about Judd who had preceded him in working for art journals, but as a reviewer and, as he said himself, as a "mercenary." Judd's *Complete Writings 1959-1975* (Press of the Nova Scotia College of Art and Design and New York University Press. $25, Paper $14.50) is now available and it includes a one-line repudiation of Smithson written in 1967. Nonetheless Smithson, Morris and Judd, writing from different angles, were a powerful presence on the critical field in the 1960s; their authority as artists gave their verbal commentary a great deal of clout.

Judd's writings have been brought together and reprinted. A similar collection announced by the New Documents of Art series, published by the Viking Press, was to have been *Robert Morris on Robert Morris* but the project seems to have been shelved. Morris's writings were never reviews but like Smithson's consist of solidly constructed articles, which usually amounted to position papers on his own work as he moved from solid geometric sculpture to soft forms with indeterminate limits, and thence to politics. These appeared mostly in *Artforum*. His most important texts, a four-part series of "Notes on Sculpture," have been reprinted in an anthology *On Art—Uber Kunst* edited by Gerd de Vries (DuMont International; about $12.50) which is useful even though unauthorized. The importance of these artists' words is double: not only are the writers significant as artists, but they helped shape the terms in which art and aesthetics were discussed in the 1960s. Morris's publication is in abeyance and Smithson's has not been begun. Despite a prospective audience of artists, art and architecture departments in universities, and libraries, a publisher has not been found to assemble these brilliant and influential writings, all of them in definitive form because of their prior magazine publication. In a sense what I want to write here is a review of a book that should be, but has not yet been, published.

It was Smithson who gave the Earthworks movement its name (the genetic moment is described in "The Monuments of Passaic," originally published in 1967, one of the chapters of this future book). He, more than any other artist in the style, developed a speculative range of ideas on a scale to match the expanded scale of the earthworks themselves. In his earlier pieces he set up a series of correspondences between what he termed the "site" and the "nonsite." The site was a landscape somewhere, selected and visited by the artist; the nonsite consisted of maps, photographs and rock samples—signs and trophies of the site. Thus the nonsite alluded in several ways to the site, but there was an absolute physical difference between the signs and the site to which they pointed. A part of Smithson's point was to make us aware of the arbitrary nature of our communicative signs and symbols.

Later he worked on an environmental scale, shaping the site itself with earth-moving equipment, on the shore of the Great Salt Lake, in Holland, in Texas. At the time of his death Smithson had taken his expansion of site work to the point of negotiating with a strip-mining company on a reclamation project. This development from the intricate to the monumental is accompanied by a series of articles, the last of which is a study of "Frederick Law Olmsted and the Dialectical Landscape," based on Smithson's contemplation of Central Park.

Smithson's subjects include a guidebook treatment of a construction site in New Jersey, proposals for sculpture for an air terminal, a celebration of a planetarium, museums, a discussion of Art Deco architecture (in 1966 he called it Ultramoderne; the period style was not then named). His first article, "Entropy and the New Movements," made rich use of his reading of science fiction. There is a common factor: the construction site, the air terminal, the planetarium, museums, skyscrapers, science fiction, are all models of world views, theories of how the world runs,

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condensed as artifacts. But they are all collapsing systems, under stress both internally and externally. Smithson had a zest for the ways in which our thought is labyrinthine but incomplete. It is as if he viewed all knowledge as a form of artificial intelligence, confined by the patterns and limits of our own systems.

To compare Smithson with contemporary artists as writers is to see the extent to which he was a committed writer. Judd sounds hard-nosed and sensible but he assumes the validity of absolute formal criteria. Thus he is able to say of works of art that they are "right" or "thin" according to their distance from his norm of judgment. His assumption of the possibility of knowing exactly where we are and hence what we should be doing is based on art criticism as a narrow specialism. Morris's speculations are topical and informed but they circle ultimately around his own art of the moment as a kind of transcendent justification. By comparison Smithson has a distrust of the conventions of language and thought but feels the obligation to think big anyway. He has a sense of history as unreliable but capacious, and this gives his articles an unparalleled resonance in the discussion of man and nature. His original choice of subjects, his probing into linguistic problems, a vocabulary absorbed from many sources, make Smithson one of the best young writers of recent years; it is frustrating that all that is missing is a publisher for his book. □

THEATRE / Harold Clurman

Shakespeare, it is often maintained, expressed everything. If true—and it may well be so, if it is within the capacity of any one man to achieve such a miracle—it is due not only to the vastness of his spirit but to a less exalted attribute: he was a shrewd showman, a box-office crackerjack. In *Henry V* he speaks from both sides of his mouth: he satisfies the jingoes as well as the pacifists. You may interpret the play as you will.

The clearest impression is one of superpatriotism. The English forces are on the whole splendid; certainly the King is. One wants to see the English win: the French, especially the Dauphin, are so smugly self-satisfied and effete, though France itself is flatteringly described as the earth's fairest garden. Henry vengefully orders his prisoners' throats to be cut and tells the French what he will do if they do not yield to his imperialist designs:

> The gates of mercy shall be all shut up,
> And the flesh'd soldier, rough and hard of heart,
> In liberty of bloody hand shall range
> With conscience wide as hell, mowing like grass
> Your fresh fair virgins and your flow'ring infants.

This warning and others like it that depict the scourge of war may be viewed not solely as examples of the ruler's savagery but as oblique denunciations of militarism. On the other hand, even in a dulcet mood there is a tinge of threat when Henry says, "I love France so well I'll not part with a village of it." He is at once a proud King and one who speaks feelingly not only about the burdens and responsibilities of royalty but asks himself:

> Art thou aught else but place, degree and form,
> Creating awe and fear in other men?
> Wherein thou art less happy being fear'd
> Than they in fearing. . .

Arguments are eloquently advanced pro and con in regard to obedience to the sovereign and his cause, arguments which in the end more or less justify the perennial "our country, right or wrong." In earlier times, this must certainly have satisfied audiences, but now most producers take pains to cast doubt on the proposition. Perhaps Shakespeare was playing a double game in glorifying his great nation while insinuating that, though war is a horrible business, wonderful as well as dumb people engage in it and that, finally, both the leaders and their mindless followers may effect benefits in the advancement of virtuous causes such as ours must needs be.

In any case, I agree with E.K. Chambers that, though in *Henry V* "there is nothing [which] is intimate, nothing that touches the depths," it is or can be a ringing showpiece, one more instance of Shakespeare's "swelling scene."

The acclaimed Royal Shakespeare Company production under Terry Hands's direction recently at the Brooklyn Academy of Music is in several respects thoroughly astute, but it is not, as many have held it to be, "definitive," because for one thing, Shakespeare is definitive only in the book. What is most remarkable on this occasion is the handling of the physical stage: the setting not as "scenery" but as an interpretive stylistic element.

In the Prologue of the play, Shakespeare through his Chorus—a single speaker—apologizes for the limitations of "this unworthy scaffold" in presenting the sweeping range of war, forays and battles from place to place, bidding us withal to use our imaginations. This is a "distancing" process, a method of setting the spectacle in a frankly *theatrical* context without the least pretense of "realism." The production, following suit, begins with the actors on a bare platform in their everyday work clothes, chatting among themselves, addressing some of the spectators in the front rows of the orchestra, and signaling others in the upper reaches of the house. After the Prologue has been spoken, very handsome costumes are donned and the play begins.

A gray, very rough-looking ground cloth covering the stage floor is employed for the scenes taking place in the open fields and battlegrounds; when the scene moves to the French court, the ground cloth rises and becomes a varicolored "ceiling" or cover to suggest its luxury. For the scaling of the battlements, the steeply raked stage platform lifts to a great and perilously inclined height—parallel to lines in the text—making for a wall down which the soldiers run in amazing feats of agility and strength. The effect is exciting as well as astonishing. The design by "Farrah" is not only ingenious but expressive of the play's structure.

The acting is less persuasive or stirring. There is, to be sure, vigor in it: one believes Alan Howard's Henry when he says, "I am a soldier, a name that becomes me best." And the company as a whole comports itself with manliness of bearing. Howard's voice is rather grating and in rapid passages he becomes unintelligible. In wooing Katharine, he lacks the charm so unforgettable in Olivier's Henry. The most distinct speech is that of Emrys James's Chorus, but he is not required to *act*, only to declaim. Except for differentiation of accent and condition—Scottish, Welsh, Irish—most of the voices sound as if they had all been tuned to the same pitch by the same academy—rather too smooth and without individuality—in short, "Shakespearean." But this is not so much a fault in elocution as in particularity of characterization. In this respect the Fluellen of Trevor Peacock comes off well in his hearty clarity, as does Jeffrey Dench as the tersely dry, flat-voiced Scotsman, Gower. The bumpkins—Pistol, Nym and Bardolph—are not particularly funny.

It is perhaps ungrateful of me to utter any reservations on a production so well thought out, thoroughly prepared and assiduously "worked," but I confess to having come away from it without having felt much about it as human statement. For all its innovations, it was still of a *tradition* fundamentally removed from original insight, the fresh impulse of organic creation. More than ever I realized why certain Continental productions of Shakespeare have meant more to me than most of those I have seen in England and in America,

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and why Gordon Craig, on seeing *King Lear* at the Jewish Chamber Theatre in Moscow in 1935, called it the finest production of a Shakespearean play he had ever seen.

I was interested by an intimate show, "a cabaret musical" called *Tickles by Tucholsky* (Theatre Four, 424 West 55th Street).

Kurt Tucholsky, a journalist, humorist and cultural critic, was best known as a writer of lyrics during the 1920s and early 1930s for the Berlin political night clubs devoted to satirical songs against the war which ended in 1918, the condition in which Germany had been left as a result—unemployment, inflation, profiteering—and the threat of war ahead. He was of the generation whose most famous figures were Georg Grosz, Brecht, Weill, Hanns Eisler and Marlene Dietrich. Tucholsky was exiled to Sweden where, because he was in despair over the advent of Nazism in 1933, he committed suicide in 1935.

Tickles is mostly songs—many of them with music by Eisler, the most Brechtian of all composers—and a few skits. They have been translated and adapted, how well I cannot say, by Louis Golden and Harold Poor. The small cast is a good one—Helen Gallagher, especially, along with the able singer Joe Masiell, the attractive Jana Robbins, and Jerry Jarrett, who has the properly chilling Nazi countenance. Considering the limitation of means, cabaret style, the sets by Don Jensen are clever, and the staging by Moni Yakim who did the same for *Jacques Brel* some years ago, is lively.

The tone of the show has little of the drugged and melancholy growl, mixed with an envenomed sensuosity and cackling derision, that was characteristic of the German artists of the period, particularly the music makers. They all seemed to speak with a sense of coming doom and a desire to dispel some of the pain in the bitter humor of masochistic self-mockery. The American company, while engaging enough, tends to that Broadway brashness which always strives for "fun" and thus misses the air of nervous brooding which generally hovered over even the gayest of Berlin entertainments between 1921 and 1931.

The skits of barely masked wrath and acerbic irony that deal with "preparedness" in a vein of bellicose menace come through in the present show with more forceful resonance than those which treat of anti-Semitism and the "final solution." In a performance of this kind today, the latter items strike one as repetitiously sentimental rather than searing.

What most occupied my mind on this occasion was the fact that we have no equivalent "cabarets" for our own present situations, no new popular modes of protest such as those that existed in New York around 1936. Our Pop singers—beginning with Bob Dylan—still voice hoots of dissent and laments over our social ailments on records and tapes, in sporadic concerts and mass gatherings, but for the most part there is apathy. The root of this apathy is the fear of acknowledging that there really is something to be afraid of, or that there is so much to fear that we had better not insist on it. This reflects itself in political dullness dolorously apparent in the foreplay to our next elections. □

DANCE / Nancy Goldner

The crippled teacher is a staple of dance mythology. Hobbling among her young, still healthy students, she pounds the floor with her cane to mark time for the neophytes who know what else that cane may crash against. Speaking in a heavily accented English that no outsider could possibly understand, she barks commands and magically, it seems, they are followed. The cane crashes to the floor again, as if to seal a secret understanding between teacher and pupils. This scene, depicted in movies of backstage life and gossiped about by real students of real teachers, much as men regale one another with war stories, is a Gothic fairy tale that is still being perpetuated. Just this past winter during the Martha Graham season, I overheard several of her former students reminisce fondly about the times Martha, as she is called by dance fans, almost broke a student's back. Graham is not crippled, but her gnarled feet are legendary.

Light, Part 7, which was in repertory with the other nine parts, plus other works, through May 9 at the Cathedral of St. John the Divine, is Kei Takei's answer to *The Red Shoes* and family. She tries to demystify the myth, and deglamorize the glamour, by placing it in the context of the ultimate mystery, the life cycle. She casts her troupe in the role of Firmamental Field Hands and Dancers in the Dream of Creation; she is called the Crippled Choreographer and the Dreamer of Creation. Her naturally tiny body hunched over into dwarf proportion, she commands her dancers in her Japanese-accented English to move and then to freeze. When she likes a tableau, she rat-a-tats, "This is position number x." Another order sends her dancers into a recapitulation of all ten tableaux—and lo, a dance proper grows out of the dance of making a dance. In this, as in upcoming episodes, the dancers are mindless instruments. They all wear white baggy tunics loosely tied over ill-fitting pants and skirts, a curious mixture of proletarian and prison uniform. They enter and exit in quick shuffles, like robots. As they follow instructions—"talk to me by your hip," "do the fight dance"—they begin to look less like animalistic dancers, more like animals. The choreographer limpingly stalks them, herself an animal on the scent of an interesting move. When that move comes, her eyes glint in relish of a tasty bit of food. Like all tyrants, this choreographer force-feeds her subjects so that she can feed on them. In that way, the dance gets made.

And in that way, we find out as *Light, Part 1* evolves, do the fields get tilled, seeded and harvested. After the fight dance turns the dancers into barnyard animals, the Crippled Choreographer suddenly

THE WIND OF YUCATAN

The rungs on the highest clouds go unclimbed.
The sky is a hammered sheet of blue.

The Mayan altars stand like guardians
before the entrance to another world.

On the beach a conch calculates the speed
of passing air or does it await the arrival
of sound, the arrival of stars?

A tern tips its wings, sharpening them
against a wall of wind.

The wind blends colored coats and burnished
flowers with unhurried grace.

That space where color blurs, the iguana stirs.

Tom McKeown

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throws her cane into the air and goes into a frenzied spin, which signals the Solar Wind. He spins into the dancing area and ropes off a rectangle, which frames a stage within a stage. Now two people who have been sitting behind a white picket fence shuffle into the frame and enact hoeing and chopping labors. They are called Farmers in the Fields of the Firmament. Again the anonymous Field Hands return, their identities fluctuating between animals and laborers. At one point, after the command of the choreographer, they plant white balloons with the rapidity and regimentation of troops falling into battle formation. When the choreographer signals, they quickly jog through the rows of balloons, and one by one each laborer swoops down, plucks a balloon from the floor, and packs it into the large white sack he or she is carrying. Following one another in tighter and tighter circles, they swoop, pluck, and pack until there is nothing left to harvest. The process is elaborately choreographed; in its abstract purity and absolute anonymity it is as classical as the shade scene from Petipa's *La Bayadère*, to which critic Kathy Duncan has perceptively compared it, and terrifyingly efficient. Then the whole procedure is repeated, as are all the other elements of the dance.

Like Trisha Brown's dances of accumulation, which proceed in steps of A, AB, ABC, Takei structures her dance as logically patterned building blocks. But whereas Brown's dances are usually linear, Takei's dance spirals back on itself and moves forward in large chunks. Some elements are dropped, some are discarded only temporarily. Obviously, however, repetition is the key factor. What distinguishes her work from that of her many peers caught up in the repetition game is that in *Light, Part 7*, repetition is a thematic as well as structural pillar. Rather than presenting repetitive movement as a neutral event, Takei is willing to acknowledge its brutalizing effects and go one step beyond. In the sections preceding Part 7 of *Light* she tries to by-pass boredom and move directly into the arena of futility. Most often she cannot quite break through the boredom of repetition, but at the very least one understands that she understands Samuel Beckett's genius. Boredom is not interesting; desperation is. (Perhaps not coincidentally, the low humor in which Takei's farmers occasionally indulge resembles the master and slave vignettes in *Waiting for Godot*.) In Part 7 Takei uses repetition in her most fruitful way yet: to neutralize offensive situations into the natural order of things, beyond good and evil. Her presentation of the creative process as labor is convincing, and the agricultural metaphor appealing in its romantic kind of truth. A Tolstoy she is not, however. What makes this section of *Light* engaging in a particularly catchy way is its reincarnation of the *Red Shoes* mystique in a very austere, ritualized form. For about forty minutes of this seventy-minute work, I sat mesmerized by the tension between the choreographer and her field hands, and by the gradual shift in milieu from dance studio to rice paddy. For the first time, repetition, first as slavery and then as benign ritual, seemed a real possibility of dramatic structure. Then all of a sudden the dance sagged and died. I don't know why this should happen. It would be tempting to parallel the sag with the choreographer's withdrawal from command, but in fact the most important manifestation of her power, the harvesting, comes after the sag. Finally, the sameness of the seasonal cycle is more compelling than Takei's cycle. Of course. Yet in the now commonplace competition between dance and nature, Takei stays in the running longer than most.

The novelty during the first week of the Royal Ballet's four-week season at the Metropolitan Opera was Natalia Makarova's American debut with the Britishers, in Kenneth MacMillan's *Romeo and Juliet* on the opening night of April 19; she danced *Swan Lake* five nights later. Obviously *Swan Lake* is the right vehicle for a classical ballerina of Makarova's stature. She is not only glorious in it but can glory in its center of classical technique. She is at home in its *développés à la seconde*, and what's more, she is more at home with the Royal Ballet than with American Ballet Theatre, where she tends to stick out like a supremely healthy thumb.

In Makarova's *Swan Lake* one sees a classical dancer sprung from the shackles of the fake dancing so prevalent in *Romeo and Juliet*. One of the peculiarities of that boring extravaganza (danced this season by Lynn Seymour as well as Makarova) is its static conception of the heroine. Juliet's big scene occurs when she decides to seek Friar Laurence's help. MacMillan choreographs this decision by having Juliet sit on her bed and stare out at the audience. The contrast between her motionless pose and the racing, surging music is supposed to be a theatrical coup, yet it seems more perverse than daring. In the balcony scene Romeo gets the solos while Juliet runs in circles around him. Strangely, Juliet's proper *pas de deux*—that is, those in which she is not carried helplessly (in MacMillan's terms, ecstatically) in the air—are not with Romeo but with Paris, and even these are fragmentary. Most of the time Juliet stands around doing what dance audiences call acting. The Royal Ballet is uniquely adept at dumb shows; indeed, one of the highlights of the first week was to notice how, by the slightest variations of stance, Derek Rencher could be a cloddish Paris at one performance and a self-righteous Paris at the next. As Juliet, Seymour's body is astoundingly expressive but falters in what few pirouettes there are. Makarova's expressivity emerges in pirouettes and the like. A ballet such as *Romeo and Juliet* must be a field day for Seymour and others who find dancing on *pointe* and from fifth position troublesome. In talking about her first solo role, Margot Fonteyn once said with her usual candor, "I didn't have any steps to dance at all. I was always quite happy acting around the stage; it was the steps that made me nervous. . . .as they still do." For a dancer of Makarova's background, proficiency and temperament, it's the "acting around" that leaves her champing. □

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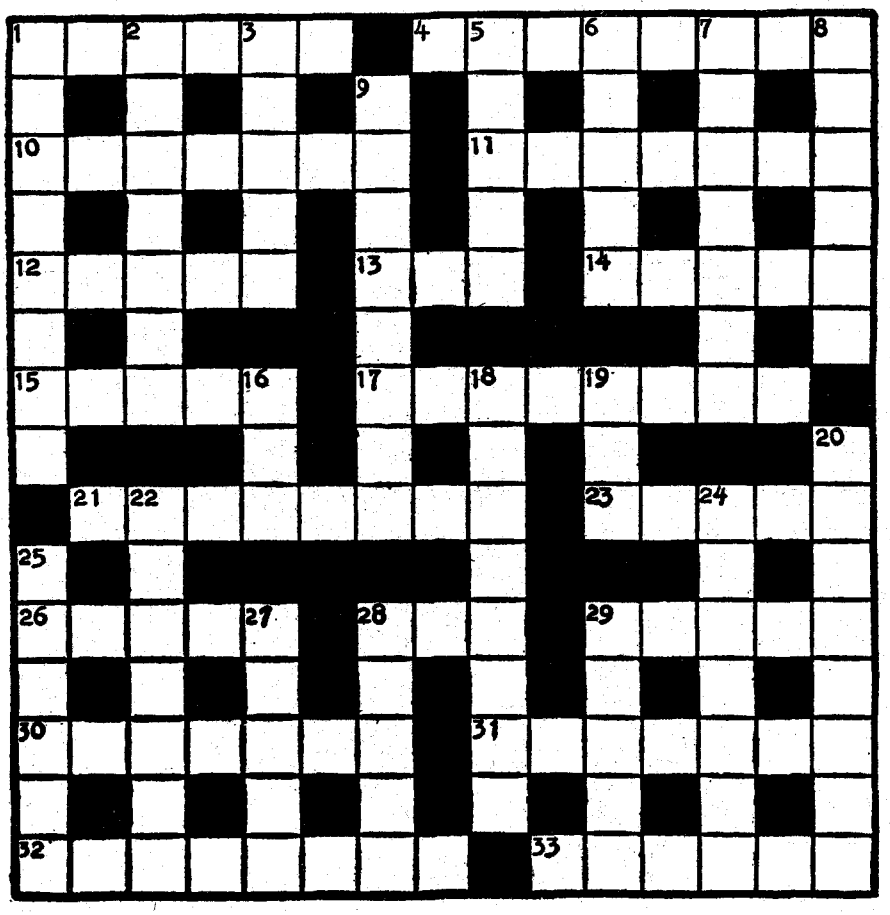

ACROSS

1 and 4 See 16 down
10 No matter which is bad, in this case! (One sort of passes around it.) (7)
11 Checks, or possibly bonds. (7)
12, 13 and 14 Duck offspring like this? (That's one way to be caught in the hedge!) (5,3,5)
15 A short time, and French musicians might play one. (5)
17 The letters of Tom Paine would hardly be expected to show 10. (8)
21 The last thing at meals to go wrong, it should be emphasized. (8)
23 Pecuniary profit as motive. (5)
26 Yet one wouldn't expect them to consist only of ground grain. (5)
28 A runner used to jump sometimes. (3)
29 See 19 down
30 and 29 down Vault and narrow passage, completely protected. (4,3,5)
31 Not quite like Dobbin and Babe, perhaps, in spring and fall. (7)
32 In certain animals, unable to hold drink when eating. (8)
33 Has a strong affection for something like the first two notes inside. (6)

DOWN

1 and 25 down If we're constantly bored, evidently this, as a Victorian saying. (2,3,3,6)
2 The next CIA upheaval? Not true! (7)
3 Might appear as the change of speed. (5)
5 Commit burglary with firearms? (5)
6 Musical get-together? (5)
7 The sort of Spanish gentleman that follows me up with the essayist. (7)
8 Re this relative, it's likely to be a holdout. (6)
9 Elemental forms, when the poet is so upset. (8)
16, 1 and 4 across Article giving direction to correct relations with a couple who took off early. (3,6,8)
18 An hour glass in western character? (3,5)
19 and 29 across Nothing left to blow up, as the watchman once said. (4,4)
20 Only a jerk might tell these to a doctor.
22 Trade cars and the like. (7)
24 There's a dry type, not so dirty. (7)
25 See 1 down
27 Take a turn around a foreign place. (5)
28 Grasslike plant with the edges slightly different. (5)
29 See 30 across

SOLUTION TO PUZZLE NO. 1631

ACROSS: 1 and 6 First-class fare; 10 Erosion; 11 Airship; 12 Head; 13 Waffle iron; 15 Nitrate; 16 Effendi; 17 Drastic; 20 Precede; 22 Adam's apple; 23 Lima; 25 Instant; 26 Vermont; 27 Gods; 28 Anarchists. DOWN: 1 Freehand drawing; 2 Riot act; 3 Tail; 4 Lineage; 5 Snaffle; 7 Acheron; 8 Expensive tastes; 9 Free offer; 14 Cartesian; 18 Amassed; 19 Capstan; 20 Palaver; 21 Editors; 24 Arch.

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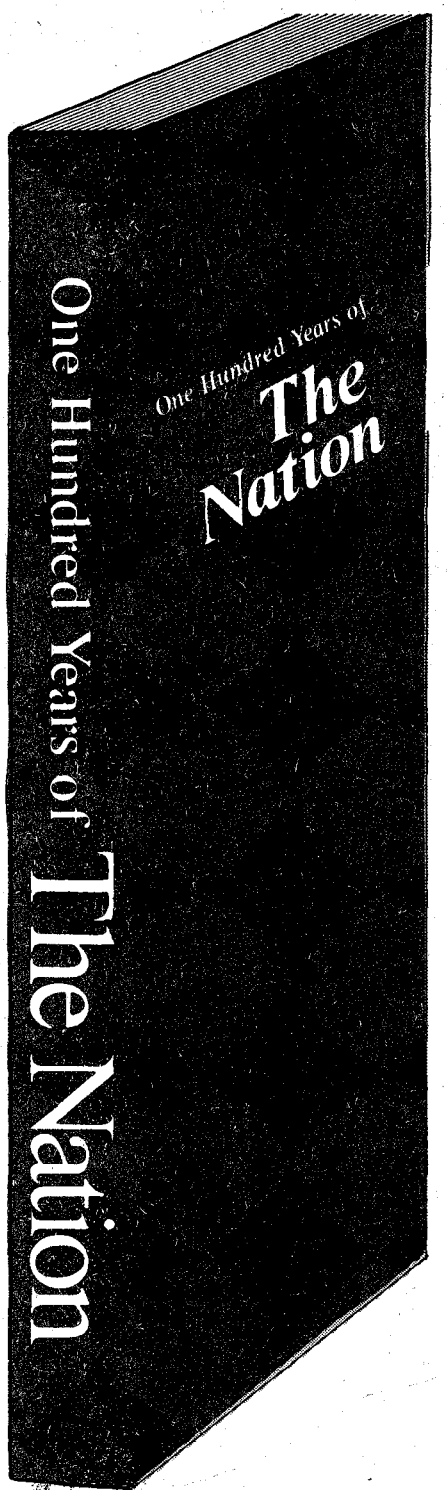

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